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March-May

1990

URBAN/MUNICIPAL

MINUTES OF THE MEETING  
OF CITY OF HAMILTON



MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, MARCH 13, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor.

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling,  
Gallagher, Ross.

ABSENT: Alderman Murray (vacation).

His Worship Mayor Robert M. Morrow called the meeting to order.

The Reverend Charles Stirling, All Saints Anglican Church, led the Council  
in prayer.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read a Proclamation proclaiming the month  
of March as "Red Cross Month".

\* \* \* \* \*

The following communications were received and forwarded to the appropriate  
Committee, except as indicated:

1. Application from Mirjana Vucina, 520 Ridge Road, Stoney Creek, Ontario,  
for a change in zoning, property located at 189 Picton Street, dated  
February 26, 1990. RECEIVED.
2. Application from Dr. R. Smith, President, Riddric Developments Inc.,  
145 Main Street East, Hamilton, Ontario, for a change in zoning, property  
located at 1502 Main Street East, dated February 28, 1990. RECEIVED.
3. Application from S & J Food Distributors Limited, 105 Nebo Road, Hamilton,  
Ontario, for a modification to the zoning, property located at 105 Nebo  
Road, dated March 1, 1990. RECEIVED.
4. Application from Alfrin Enterprises Corporation, c/o 720 Main Street East,  
Hamilton, Ontario, for a modification to the zoning, property located at  
73 Garfield Avenue South, dated March 1, 1990. RECEIVED.
5. Application from 687469 Ontario Incorporated, 78 Queenston Road, Hamilton,  
Ontario, for a further modification to the zoning, property located at  
1204 Upper Wentworth Street, dated March 5, 1990. RECEIVED.
6. Letter from Mr. K. E. Avery, Secretary, Hamilton-Wentworth Regional Board  
of Commissioners of Police, respecting "Pirate" Tow Trucks, dated March 8,  
1990. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.

7. Letter from the Hamilton Representatives League for Human Rights of B'Nai Brith Canada, 15 Hove Street, Downsview, Ontario, respecting racism and bigotry, dated March 7, 1990. RECEIVED.
8. Ms. Patrice Noé Johnson, City Solicitor, subscribed to the Declaration for the Appointed Office of City Solicitor.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Jackson in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - SEVENTH REPORT.

It was moved by Alderman Cooke and seconded by Alderman Merling.

RESOLVED: that Section 1 re the City's "Task Force To Review the Mandate and Structure of the Hamilton Harbour Commissioners dated January, 1989" be amended by adding the following thereto as Subsections (b) and (c) and identifying the first paragraph as Subsection (a):

"(b) That the Federal Government be requested to direct the Chairman of the Hamilton Harbour Commission to refrain from private involvement in any real estate transactions involving the Commission or, alternatively, that he be directed to resign from the Commission; and

(c) that an investigation be undertaken to ensure that the 1987 sale of land by J. I. Case Canada to the Hamilton Harbour Commission, in which Mr. P. Lush declared a conflict of interest, complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

'The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly.'

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: that Subsections (b) and (c) of Alderman Cooke's motion to amend Section 1 re the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners dated January, 1989" be referred to the Finance and Administration Committee. -

YEAS: Mayor Morrow: Aldermen Hinkley, Drury, Christopherson, Jackson. - 5.

NAYS: Aldermen Cooke, Kiss, Agro, McCulloch, Copps, Agostino, Lombardo, Smith, Merling, Gallagher, Ross. - 11. LOST.

\* \* \* \* \*

Recorded vote on Alderman Cooke's resolution to amend Section 1 re the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners dated January, 1989:"

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Alderman Agro declared personal interest in, took no part in the debate and refrained from voting on Section 3, re the supply and delivery of Jobber Automotive Parts, as he is a Benefits Consultant for one of the companies referred to therein.

\* \* \* \* \*

His Worship Mayor Morrow declared personal interest in, took no part in the debate and refrained from voting on Section 13, re payment of his legal costs respecting an agreement between the City and the Hamilton Tiger Cat Football Club.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - EIGHTH REPORT.

\* \* \* \* \*

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTH REPORT.

Recorded vote on Section 16. (Re: Increase in Parking Meter Rates).

YEAS: Aldermen Cooke, McCulloch, Hinkley, Drury, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 11.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Agostino. - 5. CARRIED.

(C) PARKS AND RECREATION COMMITTEE - FOURTH REPORT.

\* \* \* \* \*

(D) PLANNING AND DEVELOPMENT COMMITTEE - SIXTH REPORT.

Recorded vote on Section 9. (Re: Change in Zoning to Legalize  
Existing Two-Family Dwelling  
at 81 Myrtle Avenue).

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Christopherson,  
Agostino, Lombardo, Smith, Jackson, Merling, Gallagher,  
Ross. - 12.

NAYS: Aldermen Kiss, Hinkley, Drury, Copps. - 4. CARRIED.

\* \* \* \* \*

(E) INFORMATION SYSTEMS COMMITTEE - FIRST REPORT.

\* \* \* \* \*

(F) HIS WORSHIP MAYOR ROBERT M. MORROW - FIRST REPORT.

It was moved by Alderman Cooke and seconded by Alderman  
Merling.

RESOLVED: that the First Report of His Worship Mayor Robert  
M. Morrow for 1990, re establishment of the position  
of Race Relations Co-Ordinator, be referred to the  
Special Meeting of City Council on Friday, March 16,  
1990, for consideration in Committee of the Whole.-

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Copps,  
Lombardo, Smith, Merling, Gallagher, Ross. - 11.

NAYS: Aldermen Kiss, Hinkley, Christopherson, Agostino,  
Jackson. - 5. CARRIED.

\* \* \* \* \*

(G) SPECIAL COMMITTEE TO ADMINISTER THE HAMILTON-SCOURGE PROJECT -  
FIRST REPORT.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports,  
as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury,  
Copps, Christopherson, Smith, Jackson, Ross. - 12.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-9, A-10,  
B-18, B-19, B-20, B-21, B-22, B-23, B-24, B-25,  
D-33, D-34, D-35, D-36, D-37.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley,  
Drury, Copps, Christopherson, Agostino, Lombardo, Smith,  
Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried,  
that Council move into Committee of the Whole (second reading) to consider  
the following Bills, with Alderman Jackson in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley,  
Drury, Copps, Christopherson, Agostino, Lombardo, Smith,  
Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

His Worship Mayor Robert M. Morrow declared personal interest in, took no  
part in the debate and refrained from voting on Bill No. B-22, "A By-law  
to Incorporate Block 8, Plan 62M-224 into Firenze Street", as he lives on  
Firenze Street.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading)  
on the Bills, be adopted. -

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Smith, Jackson, Ross. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

03/13/90

-2094-

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-9, A-10,  
B-18, B-19, B-20, B-21, B-22, B-23, B-24, B-25,  
D-33, D-34, D-35, D-36, D-37 -

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Smith, Jackson, Merling, Ross. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 10.45 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its SEVENTH Report for 1990 and respectfully recommends:

1. (a) That City Council call upon the Federal Government to revisit the recommendations made by the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioner dated January 1989" with specific reference to the structure and composition of the Hamilton Harbour Commissioners.
- \* (b) That the Federal Government be requested to direct the Chairman of the Hamilton Harbour Commission to refrain from private involvement in any real estate transactions involving the Commission or alternatively that he be directed to resign from the Commission, and
- \* (c) That an investigation be undertaken to ensure that the 1987 sale of land by J. I. Case Canada to the Hamilton Harbour Commission in which Mr. P. Lush declared a conflict of interest complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

"The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly."

2. That a purchase order be issued to A. M. Roofing Systems Inc., Hamilton, in the amount of \$22 600 to reroof 125 Barton Street West, Hamilton, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of seven (7) quotations received. Funds provided in Operating Supplies Account No. CH 56103 31330.

- \* *Subsections (b) & (c) of Section 1 added during Council.*  
*Recorded vote, see page 2091*  
*Motion to refer subsection (b) & (c) to the Finance and Administration Committee - LOST*  
*Recorded vote, see page 2091*

3. That purchase orders be issued for the supply and delivery of Jobber Automotive Parts to various locations during 1990, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

Parkdale Auto Parts, Hamilton

Belts and Hoses - Jobber less 10%  
Fram Filters - Jobber less 12%

Wheels, Brakes & Equipment, Hamilton

Dominion Auto Lighting - Jobber less 20%  
Kleen-Flo Lubricants and Additives - Jobber less 5%

NOTE: Lowest of nine (9) tenders received. Funds provided in various Automotive Supplies Accounts.

4. (a) That a purchase order be issued to Off-Site Resources Inc., Hamilton, to supply services to the Employee Assistance Program for a twelve month term to start April, 1990 to March, 1991 for a monthly charge of \$5 342.80, with an option in favour of the City to renew for an additional two one year terms, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of three (3) proposals received. Funds provided in Employee Assistance, City, Account No. 142300-57723.

5. That the Liquor Licence Board of Ontario be advised that Hamilton City Council has no objection to the issuance of Special Occasion Permits to St. Mary's Portuguese Church, 148 Park Street North, Hamilton, on the occasion of their annual festivals on the following dates:

1990 June 2 and June 3	- Holy Spirit Feast
1990 June 30 and July 1	- St. Peter Feast
1990 August 10 to August 12	- Our Lady of Angels

conditional upon the following:

"That musical entertainment be discontinued at 11:00 o'clock p.m. and further that all noise regulations and restrictions be strictly observed and adhered to following 11:00 o'clock p.m."

6. (a) That the City of Hamilton endorse and support in principle the 1990 Amstel Light Hamilton Marathon to be held in the City of Hamilton 1990 July 1.

- (b) That support services be provided by Culture and Recreation, Public Works, Property, and City Clerk's Departments.

NOTE: Support for this event is consistent with and similar to that given for the 1989 Marathon. As in the past four years, this request involves support services provided by Culture and Recreation, Public Works, Property, and City Clerk's Departments.

7. That the Salvation Army, Hamilton Temple be granted permission to use the front canopy area of City Hall each year for their Summer Series of outdoor services from the latter part of June to the end of August including the use of City Hall equipment such as chairs, piano, etc.

NOTE: This is a traditional event at City Hall that has been held for the past several years. The Summer Series of outdoor services commences this year on Sunday evening, 1990 June 24 until 1990 August 26 at 6:30 o'clock p.m. No staff overtime is required as the City Hall equipment is set aside each Friday night and the Salvation Army membership ensures that everything is properly set up and removed. The P.A. System and podium are provided by the Salvation Army.

8. That the Appointments To and Terminations from Permanent positions with the Corporation to February 27, 1990, attached hereto and marked Appendix "A", be approved.

9. (a) That the City of Hamilton host the Arts and the Cities spring Ontario Caucus Meeting on Friday, 1990 April 6 in the Council Chambers, as is custom in other Ontario cities.

- (b) That a civic luncheon be provided to the 42 delegates attending this meeting at the Hamilton Art Gallery at a gross cost of approximately \$1 200.

- (c) That this expenditure be financed from Account No. CH 55307 80040, "Hosting of Conferences with Municipal Subject Content".

10. (a) That the City of Hamilton host a reception at the conclusion of the Bach Elgar Choir's "Choralfest '90" Concert on Sunday, 1990 May 6, in the Piano Nobile Lounge in Hamilton Place.

- (b) That the cost of this reception in the approximate amount of \$2 850 be financed from Account No. CH 55314 84010, "Special Civic Receptions and Dignitaries Hosting".

11. (a) That the City of Hamilton host a small reception for 45 of the principal guests attending the "Challenges for International Broadcasting Conference" at the Sheraton Hotel on the evening of Sunday, 1990 March 18.
- (b) That the cost of this reception in the approximate amount of \$800 be financed from Account No. CH 55314 84010, "Special Civic Receptions and Dignitaries Hosting".
12. (a) That a civic reception be provided for the Central Directors and senior management of the Credit Union attending the Fiftieth Annual Meeting of the Credit Union Central of Ontario to be held at the Royal Connaught Hotel 1990 March 29.
- (b) That the cost of this reception in the approximate amount of \$1 300 be financed from Account No. CH 55314 84010, "Special Civic Receptions and Dignitaries Hosting".
13. (a) That the Corporation of the City of Hamilton assume responsibility for payment of legal costs in the amount of \$695.40 incurred by Mayor Morrow in defending himself in the legal action brought against the City of Hamilton and Mayor Morrow by Baldasaro with respect to the agreement between the City of Hamilton and the Hamilton Tiger Cat Football Club.
- (b) That this expenditure be financed from the "Unclassified Expenditure" Account.
- (c) That the City Solicitor be authorized and directed to prepare the necessary by-law to give effect to this resolution.

NOTE: Section 248 of the Municipal Act provides for a municipality to pass a by-law at anytime to provide for the payment of any damages or costs awarded against a member of council or for expenses incurred by a member of council as a result of any action or other proceeding arising out of their actions in their capacity as members of council.

The Acting City Solicitor has reviewed the account and has confirmed that the fees charged are reasonable and fair. In addition he has advised that it is acceptable in this instance for the Mayor to retain his personal solicitor.

14. Members of City Council are advised that Mr. Mario Beltrano has been appointed to serve on the Farmers' Market Sub-Committee as a representative of the Stallholders' Association to replace and fill the unexpired term of Mr. Ken Gunson.

NOTE: At their meeting of 1990 February 27, the Farmers' Market Sub-Committee received a request from the Stallholders' Association that Mr. Mario Beltrano replace Mr. Ken Gunson as a representative of the Stallholders' Association due to his absence from the last four Market Sub-Committee meetings.

15. That the statement of the Treasurer summarizing remuneration and expenses paid to Members of Council and Members of Other Bodies for the year 1989, attached hereto and marked Appendix "B", be received by City Council.
16. That leave be granted to introduce the following Bills:
- (a) Bill A-9 A By-law to Authorize the Replacement of Rink Slab and Boards for the Mountain Arena Project.
  - (b) Bill A-10 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 March 8  
/bc

Appendix "A" as referred to in  
Section 8 of the SEVENTH Report of  
the Finance and Administration  
Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Angelo Amore	Traffic Serviceman/ Woman II (A-3)	Traffic	Replacing Mr. N. Vigna - promoted	\$22,717.76 to \$25,807.60	\$22,717.76 per annum (1 of 4)	22/02/90
Ms. Ann Apkarian	Receipts Clerk III (E-4)	Treasury	Replacing Ms. L. Cooper - promoted	\$22,891.44 to \$24,534.64	\$24,534.64 per annum (3 of 3)	19/02/90
Mr. Ross Brydges	Lieutenant (C-7/A)	Fire	Replacing Mr. M. H. Cole - promoted	\$47,584.01	\$47,584.01 per annum (1 of 1)	25/02/90
Ms. Lynn Dale	Legislative Assistant I (L)	City Clerk's	Replacing Mr. J. Thompson - promoted	\$38,653.68 to \$45,517.16	\$43,711.20 per annum (4 of 5)	26/02/90
Mr. Thomas L. Durney	Traffic Service Foreman/Woman (13-A)	Traffic	New position as approved in 1989 Budget	\$29,895.84 to \$35,809.60	\$29,895.84 per annum (1 of 3)	29/01/90
Mr. Dennis L. Farkas	Storekeeper II (M-4/A)	Fire	Replacing Mr. R. L. Culliton - retired	\$39,585.21	\$39,585.21 per annum (1 of 1)	05/02/90
Mr. Alexander Gibson	Firefighter (C-5/A)	Fire	Reinstated	\$43,983.74	\$43,983.74 per annum (1 of 1)	29/01/90
Mr. William Gilchrist	Treasury Officer IV- Revenues (J)	Treasury	Replacing Mr. L. Friday - transferred	\$47,805.68 to \$56,355.00	\$56,355.00 per annum (5 of 5)	12/01/90

Prepared 27/02/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Elan S. Gill	Lieutenant (C-7/A)	Fire	Replacing Mr. Wm. Hart - retired	\$47,584.01	\$47,584.01 per annum (1 of 1)	25/02/90
Mr. Douglas Goodman	Supervisor of Payroll (L)	Treasury	Replacing Ms. L. Wilson - resigned	\$38,653.68 to \$45,517.16	\$45,517.16 per annum (5 of 5)	12/02/90
Mr. Joseph Guerretta	Traffic Serviceman/ Woman I (A-4)	Traffic	Additional Staff as approved in 1989 Budget	\$24,354.20 to \$27,451.32	\$25,266.80 per annum (2 of 5)	08/01/90
Mr. William E. Hamann	Asphalt Raker (D-9)	Public Works	Replacing Mr. D. Pasquale - deceased	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	13/02/90
Mr. Michael P. Horvath	Lieutenant (C-7/A)	Fire	Replacing Mr. J. Stasluk - retired	\$47,584.01	\$47,584.01 per annum (1 of 1)	25/02/90
Mr. Robert Kay	Supervisor of Vehicle and Equipment Repairs (C-9/A)	Fire	Replacing Mr. W. E. Wildish - retired	\$52,392.88	\$52,392.88 per annum (1 of 1)	21/01/90
Mr. James W. Langdon	Truck Driver (Parks) (D-8)	Public Works	Replacing Mr. M. Holmes - transferred	\$28,473.12 to \$28,869.12	\$28,869.12 per annum (2 of 2)	15/01/90
Mr. Joseph Machida	Supervisor of Accounts (L)	Treasury	Replacing Mr. R. Seeger - transferred	\$38,653.68 to \$45,517.16	\$45,517.16 per annum (5 of 5)	12/02/90

Prepared 27/02/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. George Manning	Sign Painter (A-5)	Traffic	Replacing Mr. T. Durney - promoted	\$25,266.80 to \$29,677.44	\$29,677.44 per annum (5 of 5)	19/02/90
Mr. Gene Penko	Building Inspector (A-12)	Building	Replacing Mr. G. Bowring - retired	\$33,884.76 to \$39,752.96	\$33,884.76 per annum (1 of 5)	19/02/90
Mr. Joseph Sadauskas	Receiver Shipper & Stock Clerk (B-4)	Traffic	New Position approved by Council 31/10/90	\$24,762.92 to \$27,497.08	\$27,497.08 per annum (4 of 4)	05/02/90
Mr. Richard Seager	Assistant Supervisor, Taxation-Realty (L)	Treasury	Replacing Mr. T. Bradbury - transferred	\$38,653.60 to \$45,517.16	\$45,517.76 per annum (5 of 5)	12/02/90
Mr. Barry R. Snetelinger	Director of Marketing/ Promotion (24)	H.E.C.F.I.	Replacing Mr. F. Bogden - resigned	\$75,000.12	\$75,000.12 per annum	15/01/90
Mr. Howard Stott	Motor Mechanic (D-17)	Public Works	Replacing Mr. A. Tabuns - retired	\$34,209.76 to \$34,625.76	\$34,209.76 per annum (1 of 2)	05/02/90
Mr. Brian Vance	Operator II-Garbage Truck Driver (D-9)	Public Works	Replacing Mr. J. Allen - transferred	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	11/01/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Pasquale N. Vigna	Traffic Serviceman/ Woman I (A-4)	Traffic	Additional Staff as approved in 1989 Budget	\$24,354.20 to \$27,451.32	\$25,994.28 per annum (3 of 5)	08/01/90
Ms. Marjorie P. Walsh	Clerk Typist III (E-1)	Culture & Recreation	Replacing Ms. S. D. Smith - resigned	\$18,567.92 to \$19,982.56	\$18,567.92 per annum (1 of 3)	19/02/90
Mr. Stan Weir	Traffic Signal Repairman/Woman II (B-6)	Traffic	Replacing Mr. G. Bartolotta - returned to former position	\$25,488.84 to \$30,111.64	\$26,218.40 per annum (2 of 5)	22/01/90

THE CORPORATION OF THE CITY OF HAMILTON  
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. R. Craig	Curator (Child Museum)	Culture & Recreation	Resigned	1 year, 8 months	09/02/90
Mr. Wm. Janssen	General Manager Non-Profit Housing	Community Development	Resigned	9 years, 6 months	23/02/90
Mr. D. Pasquale	Asphalt Baker	Public Works	Deceased	19 years, 6 months	29/01/90
Ms. S. D. Smith	Clerk Typist III	Culture & Recreation	Resigned	7 months	03/02/90

City of Hamilton  
Treasury

STATEMENT OF THE TREASURER

(Prepared Pursuant to By-Law 79-60 Approved by Council January 29, 1979,  
By-Law 79-300 Approved by Council October 30, 1979 and Section 243 of the  
Municipal Act, R.S.O. 1980, Chapter 302)

1. REMUNERATION

<u>(a) Members of Council</u>	<u>Salary</u>
Agostino, D.	18,276.38
Agro, V. J.	18,276.38
Christopherson, D. H.	18,276.38
Cooke, T.	18,276.38
Copps, G.	18,276.38
Drury, D.	18,276.38
Gallagher, J.	18,276.38
Hinkley, B.	18,276.38
Jackson, T.	18,276.38
Kiss, M.	18,276.38
Lombardo, F.	18,276.38
McCulloch, W.	18,276.38
Merling, H.	18,276.38
Morrow, R.	58,484.80
Murray, T.	18,276.38
Ross, D.	18,276.38
Smith J.	18,276.38
	<u>350,906.88</u>

\* One-third of these amounts deemed to be "Expenses" in accordance with  
section 251 of the Municipal Act.

(b) Committee of Adjustment

<u>Member</u>	<u>Honorarium</u>
Dudzic, M.	2,100.00
Law, B.	2,100.00
Mandel, J.	2,100.00
Rocchi, F.	2,100.00
Woods, L. G.	2,600.00
	<u>11,000.00</u>

City of Hamilton  
Treasury

STATEMENT OF THE TREASURER

(b) Parking Authority Appointees

Adamsen, T.	1,610.63
Alderman Agro, V. J.	2,334.46
Alderman Gallagher, J.	0.00
	3,945.09

(c) Public Library Appointees

Church, L.	1,451.40
Diebel, P.	135.00
Johnson, D.	1,238.10
MacGillivray, M.	281.75
Radigan, R.	1,591.15
Rogers, P.	1,483.55
	6,180.95

(d) H.E.C.F.I. Appointees

Alderman Agostino, D.	1,539.85
Alderman Drury, D.	210.00
Alderman Gallagher, J.	420.00
Alderman Jackson, T.	330.00
Alderman McCulloch, W.	230.00
Alderman Merling, H.	100.00
Alderman Murray, T.	165.00
Casey, T.	65.00
Cowell, P.	165.00
DeNardis, F. P.	185.00
Dow, M.	330.00
Kwiatkowski, G.	310.00
Levitt, N.	160.00
McFarland, W.	235.00
Tidball, W. J.	210.00
VanDuzer, A.	245.00
	4,899.85

1990 February 27

City of Hamilton  
Treasury

STATEMENT OF THE TREASURER

(c) License Examining Board

<u>Member</u>	<u>Honorarium</u>
Allick, B.	900.00
Allison, H.	500.00
Birchall, J.	400.00
Gibson, D.	500.00
Groves, L.	400.00
Hewitt, C.	500.00
Holm, M.	400.00
Kaut, H.	400.00
Korz, G.	500.00
Langdon, D.	500.00
MacIntyre, D.	400.00
Sanders, E.	300.00
Skinner, J.	200.00
Taffs, R.	500.00
Walker, J.	400.00
VanDerbeek, P.	400.00
	<hr/> 7,200.00 <hr/>

2. EXPENSES

(Residence telephone allowance, travelling - registration fee, per diem, accommodation, etc., plus local grant to Mayor)

<u>(a) Members of Council</u>	<u>Amount</u>
Agostino, D.	2,255.84
Agro, V. J.	140.19 **
Christopherson, D. H.	3,103.66
Cooke, T.	1,945.19
Copps, G.	0.00
Drury, D.	3,376.29
Gallagher, J.	340.99
Hinkley, B.	2,982.39
Jackson, T.	140.19 **
Kiss, M.	140.19 **
Lombardo, F.	140.19 **
McCulloch, W.	1,783.85
Merling, H.	375.19
Morrow, R. M.	17,227.93
Murray, T.	2,179.29
Ross, D.	140.19 **
Smith J.	1,814.05
	<hr/> 38,085.62 <hr/>

\*\*telephone allowance only

\* REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its EIGHTH Report for 1990 and respectfully recommends:

1. That the estimated amount of \$114 196.99 for equipment repair/replacement be charged to the Reserve for Uninsured Losses Account No. CH 5X506 00117 and the estimated amount of \$10 237 for property damage be charged to the Reserve for Uninsured Losses Account No. CH 5X306 00117 due to vandalism which occurred at King's Forest Golf Course on March 2, 1990.

NOTE: On March 2, 1990 at approximately 7:00 p.m. City staff were contacted by Regional Police respecting vandalism at the King's Forest Golf Course. Five youths were apprehended by the Police, however, their names cannot be released as they are protected under the Young Offenders Act.

The final estimated cost of damages is \$124 433.99 and is not recoverable through our excess insurance carriers as the City is self-insured under its deductible. Accordingly, it is being recommended that this loss be funded through the Reserve for Uninsured Losses.

In addition, every effort will be made to purchase replacement equipment and make repairs as quickly as possible to ensure the golf course opens on time for golfing season next month.

As well, the City Solicitor's office will be requested to seek restitution through the Courts for the City's loss in this matter.

2. (a) That the City of Hamilton waive its rights to purchase the H.S.R. site at 18 Wentworth Street North.
- (b) That the Region be notified of City Council's decision regarding this matter.

NOTE: At its meeting held 1989 April 18, Regional Council authorized the disposal of the former H.S.R. site at 18 Wentworth Street North.

The site was offered to the City of Hamilton prior to it being circulated to the Region's Boards, Commissions, and Agencies.

\* *Report added during Council*

The only group expressing an interest in the site was the City's Municipal Non-Profit (Hamilton) Housing Corporation.

In addition, the Separate School Board also expressed an interest in acquiring the site for a new high school to be built in 1991. The Separate School Board comes under the Region's Boards and Commissions category and in this particular case must wait until the City of Hamilton decides whether it wants to purchase the property.

With the City waiving its right to purchase the H.S.R. site, this will enable the Region to commence negotiations with the Separate School Board to purchase the site for school purposes.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 March 13  
/bc

## REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. (a) That the City Solicitor be authorized to make application to District Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order stop-up and close the East/West alley south of Barton Street East from Brunswick Street easterly to the North/South alley.
- (b) That the Commissioner of Engineering be authorized and directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed.
- (c) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court.
- (d) That the applicant register a reference plan under The Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, to delineate the manner in which the closed portion is to be distributed among the abutting owners, and that the applicant deposit a reproducible copy of the said plan, with the Regional Surveyor.
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act.
- (f) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.
- (g) Provided the Judge's Order to close the highway is granted:
  - (i) That the City Solicitor be directed to prepare a By-law for the sale of the closed highway to the abutting owner(s).
  - (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the By-law.

2. That a purchase order be issued to Fortran Traffic Systems, Scarborough, for the supply and delivery of Vehicle Actuated and Pre-Timed Traffic Controllers as and when required during 1990 in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

Vehicle Actuated

Eight Phase Controller	-	\$ 7 868. each
Four Phase Controller	-	\$ 6 598. each
Eight Phase Timer	-	\$ 2 570. each

Pre-timed

Controllers	-	\$ 6 307. each
Cabinets	-	\$ 5 307. each

Provincial sales tax extra at 8%.

NOTE: Lowest of three (3) tenders received for the Vehicle Actuated and lowest acceptable of five (5) tenders received for the Pre-Timed Controllers. Funds provided in Signals Material Account No. CH56152 75999.

3. That the City Solicitor be authorized and directed to incorporate certain City lands into various streets as outlined in Schedule "A", appended hereto.
4. (a) That the "Career Exchange Opportunities" Group be permitted to display a promotional banner across Main Street West in front of City Hall, from May 14, 1990 to May 21, 1990, with the following message:  
  
"Job Fair Convention Centre Tuesday May 15th  
and Wednesday May 16th, 1990".
- (b) That the Leeds of Hamilton Limited "Bridal Show" be permitted to display a promotional banner across Main Street West in front of City Hall, from December 30, 1991 to January 6, 1992 with the following message:

"Leeds Bridal Show '92  
Hamilton Convention Centre January 1992".

NOTE: While there is some concern as to whether or not this organization meets totally the criteria for utilizing the banner facilities, the Committee is of the opinion that permission should be granted inasmuch as this organization has been conducting this Bridal Show annually since 1969; permission has been granted to have a banner for the past 6 years and while the proponents are not a non profit or charitable organization, they do in fact provide exhibit space during the show free of charge to non profit and community organizations.

5. That applications for Inadvertent Encroachment Agreements as set out in Schedule "A" attached hereto, be approved subject to the following provisions:
- (a) That the owner enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
  - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
  - (c) That a first year fee and a subsequent annual fee as set out in Schedule "A" be set for this privilege.
6. (a) That the request by Mr. M. G. McHugh, Solicitor on behalf of the Royal Connaught Hotel to discharge the Encroachment Agreement for 112 King Street East, Instrument No. 355991 C.D.; date of registration February 20, 1986, be approved subject to the satisfaction of the City Solicitor.
- (b) That the appropriate civic officials be authorized to execute the documents in relation to this discharge.
  - (c) That the applicant pay a fee of \$120. for the discharge.
- NOTE: The Agreement permitted the encroachment of an "Outdoor Boulevard Cafe" which the hotel has determined will no longer be required.
7. (a) That the submitted schedules for the estimated cost of services in Oakdale Estates, Phase 5, Hamilton in the total amount of \$515 376.23., be adopted for inclusion in the Subdivision Agreements with the Owner.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement between the City and the Owner.
  - (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
  - (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he be permitted to do so at his own risk, providing that he enters into a Standard Agreement for Pre-servicing.
  - (e) That the City's share of the cost of services for this development in the amount of \$45 148.64 be approved, and that the Finance and Administration Committee recommend the financing for this project.

8. That Section 54 of the TWELFTH Report of the Transport and Environment Committee adopted by City Council on June 24, 1986 authorizing an Encroachment Agreement for No. 124 Augusta Street be amended to delete the street name "Augusta" and replace it with the street name "Walnut".
9.
  - (a) That the Albion Falls Neighbourhood be designated as a neighbourhood watch area; and
  - (b) That neighbourhood watch signs for the Albion Falls Neighbourhood be erected and maintained by the City Traffic Department as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and
  - (c) That the necessary funds (\$1 400.) be charged to Account No. CH55301 75030 (Neighbourhood Watch Program) - 1990 Budget.
10.
  - (a) That the Randall Neighbourhood be designated as a neighbourhood watch area; and
  - (b) That neighbourhood watch signs for the Randall Neighbourhood be erected and maintained by the City Traffic Department as long as this neighbourhood maintains an active neighbourhood watch program as determined by the Regional Police Department; and
  - (c) That the necessary funds (\$900.) be charged to Account No. CH55301 75030 (Neighbourhood Watch Program) - 1990 Budget.
11.
  - (a) That a stop sign not be erected for traffic eastbound at the intersection of Cumberland and Sanford Avenues; and,
  - (b) That crosswalks be painted across the south and west approaches to the westerly intersection of Cumberland and Sanford Avenues; and
  - (c) That pedestrians be prohibited from crossing Sandford Avenue between the east and west legs of Cumberland Avenue; and
  - (d) That the City Traffic By-law No. 89-72, be amended accordingly.

12.
  - (a) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Karen Crescent commencing at a point 116 feet east of San Antonio Drive and extending to a point 40 feet easterly therefrom; and
  - (b) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Karen Crescent commencing at a point 256 feet east of San Antonio Drive and extending to a point 200 feet easterly be extended 40 feet westerly such that the regulation commences at a point 216 feet east of San Antonio Drive and extends to a point 240 feet easterly therefrom; and
  - (c) That, in accordance with a general by-law provision, the Traffic Department implement a "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Karen Crescent commencing at San Antonio Drive and extending to a point 186 feet easterly therefrom; and
  - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
13. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first five applicants residing in the apartment buildings at No. 227 - 231 MacNab Street South.
14.
  - (a) That a "No Stopping" corner clearance be implemented on the north side of Robert Street commencing at Victoria Avenue North and extending to a point 48 feet easterly therefrom; and
  - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
15.
  - (a) That the existing taxi stand on the north side of Rebecca Street commencing at a point 163 feet west of Catharine Street and extending to a point 42 feet westerly therefrom be extended, such that the regulation commences at a point 118 feet west of Catharine and extends to a point 87 feet westerly therefrom; and
  - (b) That the City Traffic By-law No. 89-72 be amended accordingly.

- \* 16.
- (a) That parking meters on City of Hamilton streets which presently have rates of 50 cents per hour or 60 cents per hour be changed to \$1. per hour; and
  - (b) That parking meters on City of Hamilton streets that presently have rates of 25 cents per hour be changed to 50 cents per hour; and
  - (c) That the Regional Municipality of Hamilton-Wentworth be requested to make the same changes to parking meter rates on Regional roads within Hamilton.
  - (d) That the City Traffic By-law No. 89-72 be amended accordingly; and
  - (e) That the Traffic Department be authorized to hire one or two contract employees to assist in the conversion of the parking meters to the new rates, to a maximum salary expenditure of \$20 000., with this additional salary expenditure to be recovered from the Reserve for Off-Street Parking.

NOTE: The revision of rates as recommended, if applied to all parking meters within the City of Hamilton (including those on both City streets and Regional roads) would result in an increase in revenue to the Reserve for Off-Street Parking of over \$500 000. annually for 1991 and subsequent years.

The cost of converting the parking meter rates will be approximately \$100 000. including only parts and contracted labour. The cost will be financed from the Reserve for Off-Street Parking. The cost does not include labour by employees already on the staff of the City of Hamilton.

The net revenues for 1990 are dependent on initiating the conversion project as soon as possible. Taking into account the cost of conversion and of contracted labour, the net revenue to be realized by the Reserve for Off-Street Parking in 1990 is estimated at between \$75 000. and \$100 000. The final revenues will depend on the exact cost of replacement parts and the speed with which the supplier can provide those parts. The exact costs are dependent on the rate structure and type of coinage chosen. These factors also affect the speed with which the supplier can provide replacement parts for the upgrades.

\* Recorded vote, see page 2091

17. That City Traffic By-law No. 89-72 be amended to provide for the following:
- (a) That a "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation be implemented on the south side of Monterey Avenue between Park Row South and Province Street.
  - (b) That an "Alternate Side Parking" regulation be implemented in conjunction with the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on Dalewood Crescent between Sterling Street and Paisley Avenue North such that parking is prohibited on the west side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November.
  - (c)
    - (i) That a "Permit Parking" regulation be implemented on the east side of Grant Avenue between Stinson Street and Alanson Street; and
    - (ii) That the Director of Traffic Services be authorized to initially issue one parking permit to eligible residents residing in numbers 173, 187 and 193 Grant Avenue and two parking permits to the eligible applicant residing in 183 Grant Avenue; and
    - (iii) That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block on a first come first served basis, provided that the maximum number of nine permits is not exceeded.
  - (d) That parking be prohibited on the east side of Beland Court from Lucerne Avenue to a point 154 feet southerly therefrom.
  - (e) That an "Alternate Side Parking" regulation be implemented on Queen Victoria Drive between Loconder Drive and Quaker Crescent such that parking is prohibited on the east side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November.

- (f) That "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday, to Friday" regulation be implemented on both sides of West 33rd Street between Bendamere Avenue and Elmwood Avenue.
  - (g)
    - (i) That the existing "No Parking" regulation on the east side of David Avenue which commences at a point 87 feet south of Southbend Road and extends to a point 171 feet southerly therefrom be extended, such that the regulation extends to Crestwood Drive; and
    - (ii) That a "No Parking" regulation be implemented on the north side of Crestwood Drive from David Avenue to a point 98 feet easterly therefrom.
  - (h) That a "Permit Parking" regulation be implemented on the south side of Crestwood Drive, commencing at a point 25 feet east of David Avenue and extending to a point 20 feet easterly therefrom; and that the Director of Traffic Services be authorized to issue one permit to Mr. Thomas Mancini, 159 David Avenue.
18. (a) That southbound traffic on the west leg of Atwater Crescent be required to stop for eastbound and westbound traffic on Marlowe Crescent; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
19. (a) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 237683 C.D. to the property at No. 111 Frid Street be discharged, at the property owner's expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.

20. (a) That the application by the Mission Services of Hamilton Incorporated, to lease a portion of the boulevard of Murray Street West adjacent to No. 50 Murray Street West, be approved provided that:
- (i) The applicant pays the annual fee in accordance with the fee structure approved by City Council on March 25, 1986 (current is \$50. per year) plus taxes, if any, in addition to the \$10. encroachment insurance charge approved by City Council on February 14, 1984.
  - (ii) The owner pays a one-time \$25. registration fee as approved by City Council on January 14, 1986.
  - (iii) The owner pays a one-time \$150. processing fee, as approved by City Council on January 12, 1988.
  - (iv) The owner complies with the requirements as set out in the policy approved by City Council on June 24, 1975, respecting using a portion of road allowance for parking purposes.
  - (v) Two pre-cast concrete curbs be installed and the parking area be constructed and maintained at the owners expense.
  - (vi) the owner executes an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
21. That Regional Council be requested to include a review of Vehicular Traffic Flow within the Durand Neighbourhood in its proposed Mountain Access Study.

NOTE: For the information of the Members of City Council, representatives of the Durand Neighbourhood appeared before the Committee and expressed concern with respect to the volume of vehicular traffic on the residential streets within the neighbourhood. The Committee has authorized and directed the Director of Traffic Services to investigate various possible short term solutions suggested by the residents and report back to the Committee. In addition, the Committee has requested staff to monitor the effects of the increased traffic in the Durand Neighbourhood resulting from the current reconstruction of Main Street and to take steps to limit as much as possible an increase in the traffic flow in the Durand Neighbourhood.

22. That leave be granted to introduce the following Bills:

- (a) Bill B-18 A By-law to Incorporate Block 28, Plan 62M-316 into Balfour Drive
- (b) Bill B-19 A By-law to Incorporate Part 6, Plan 62R-7170 into Rexford Drive
- (c) Bill B-20 A By-law to Incorporate Parts 12 and 15, Plan 62R-6257 into Queen Victoria Drive
- (d) Bill B-21 A By-law to Incorporate Block 26, Plan 62M-562 into Merrilee Crescent
- (e) Bill B-22 A By-law to Incorporate Block S, Plan 62M-224 into Firenze Street
- (f) Bill B-23 A By-law to Authorize the Sale of Raeburn Road, designated as Parts 22, 23, 24 and 25 on Plan 62R-8933
- (g) Bill B-24 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (h) Bill B-25 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
March 5, 1990

mjw

Schedule "A" as referred to  
in Section 3 of the  
FOURTH Report of the  
Transport and Environment  
Committee

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Eva Street	Part 7, Plan 62R-7802	NIL	To provide access and hook-up between Eva Street (as est'd by By-Law No. 88-198) and Eaglewood Drive, Plan 62M-643	S702-39
Presidio Drive	Block 67, Plan 62M-556 Part 10, 62R-9436	NIL	To provide access and hook-up between Presidio Drive (as est'd by By-Law No. 88-151), Presidio Drive, Plan 62M-556 with Presidio Drive, Plan 62M-642	S702-39 & S705-21
Acadia Drive	Block 30, Plan 62M-644	NIL	To provide access and hook-up between Acadia Drive (as est'd by By-Law No. 89-234) to Acadia Drive, Plan 62M-644	S719-57

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Rexford Drive	Block 35, Plan 62M-478	(NIL)	To provide access and hook-up between Rexford Drive on Plans 62M-478 and 62M-629	S718-29 S718-28
Rexford Drive	Block 16 and 17 Plan 62M-455	(NIL)	To provide access and hook-up between Rexford Drive on Plans 62M-455 and 62M-629	S718-30 S718-28
Robson Crescent	Blocks 18 and 19 Plan 62M-455	(NIL)	To provide access and hook-up between Robson Crescent on Plans 62M-455 and 62M-629	S718-28 S718-30

Schedule "A" as referred to  
in Section 5 of the  
FOURTH Report of the  
Transport and Environment  
Committee

SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
30 Murray Street West	Portion of Building on McNab Street North measuring 0.12' X 22.07'	Findlay & Findlay Barristers & Solicitors 20 Jackson Street West Hamilton, Ontario L8P 1L2	\$125.00/\$20.00	T103-50(858)
140 Locke Street South	Encroachment of concrete steps 8.0 X 1.92 and brick pillars -.78' -.62' -.70' -1.19'	Simpson & Watson Barristers & Solicitors 950 King Street West	\$125.00/\$20.00	T103-50(835)
Avondale (912 Barton Street)	foundation of building on Avondale	Cain, Gzik & Gardner Barristers & Solicitors 340 Main Street East Hamilton, Ontario L8N 1J1	\$46.00/\$20.00	T103-50(855)
309 East Avenue North	concrete steps on East Avenue North measuring 2.5' X 7.5'	Dempster & Dermody & Riley Barristers & Solicitors P.O. Box 736 Station "A" Hamilton, Ontario L8N 3M8	\$125.00/\$20.00	T103-50(857)

SCHEDULE "A"

-Page 2-

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st year/Annual</u>	<u>File No.</u>
309 Mary Street	Veranda 7' X 4.2'	Yachetti, Lanza & Restivo Suite 800 105 Main Street East Hamilton, Ontario L8N 3P9	\$125.00/\$20.00	T103-50(839)
435 Osborne Street	Concrete steps 11' X 1.5'	Ontario Hydro 700 University Avenue Toronto, Ontario M5G 1K6	\$125.00/\$20.00	T103-50(859)

03/13/90

## 1990 SUBDIVISION EXPENDITURE SUMMARY

CITY'S SHARE  
OF EXPENDITURES

Name of:  
- SUBDIVISION  
- DEVELOPER  
- CONSULTANT  
- SURVEYOR

SUBDIVISION	# OF LOTS and LOCATION	SUBDIVISION AGREEMENT AUTHORIZATION	DESCRIPTION OF WORKS	CITY'S SHARE		NON-RECOVERABLE & OVERSIZED COSTS	TOTAL CITY'S SHARE	TOTAL SUBDIVIDER'S SERVICING COSTS
				0.3 METRE RESERVE COSTS	TOTAL			
- OAKDALE ESTATES -	65 Lots	88-06-28	Catch Basins &	\$1,530.02		\$0.00		
PHASE 5	(3 Future)	P&D 15-88	Connections	\$4,165.18		\$0.00		
- 428680 ONTARIO LIMITED	Hamilton	Item 24(a)	Curbs & Sidewalks	\$8,662.58		\$30,082.86		
- Urbex Management Limited			Finished Roads	\$0.00		\$0.00		
- J. David Peters, O.L.S.			Dead End Barricade	\$708.00		\$0.00		
			Street Lighting				\$45,148.64	\$515,376.23

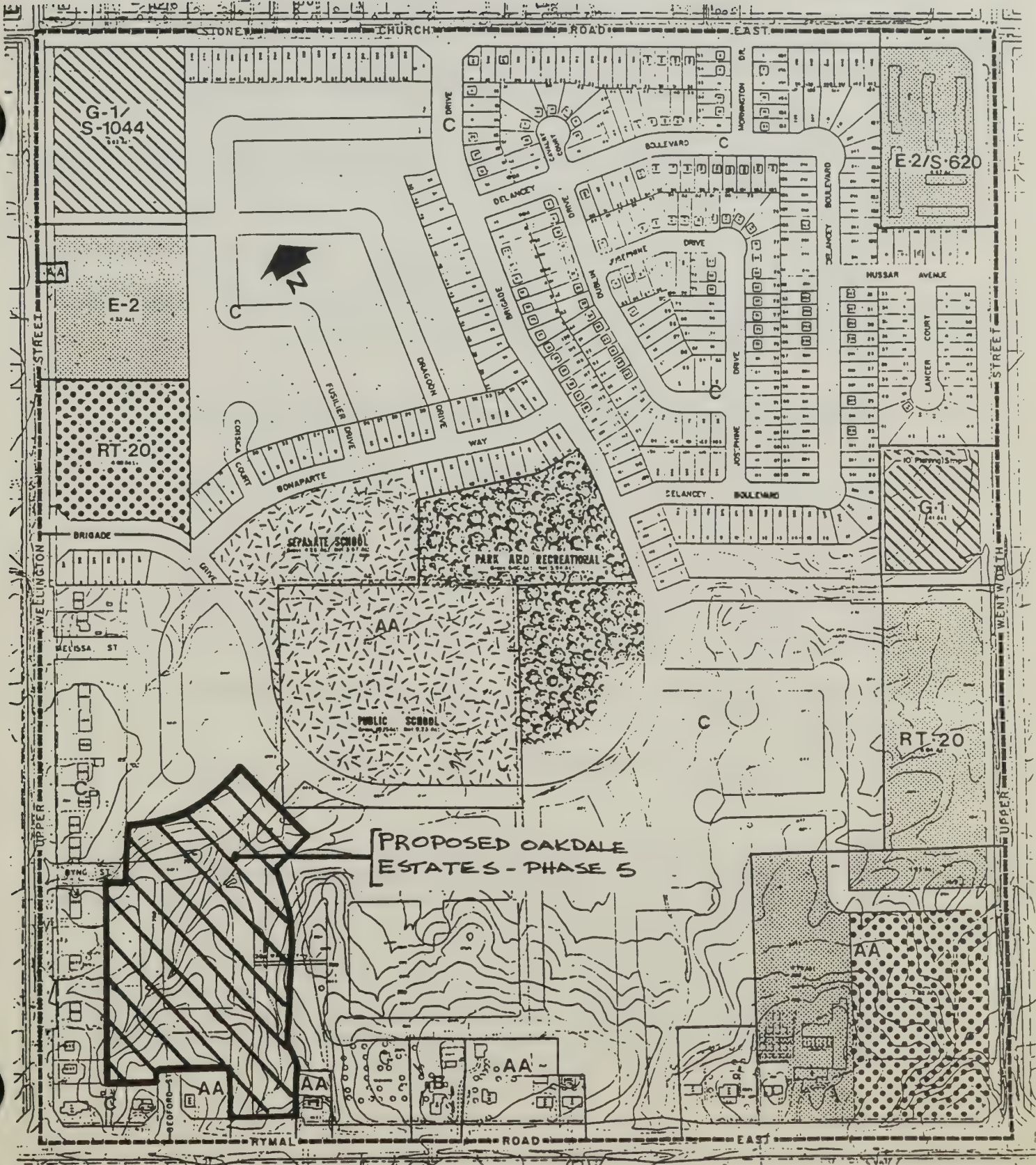
-2124-  
SCHEDULE "A"

TOTALS:

\$15,065.78      \$30,082.86      \$45,148.64      \$470,227.59      \$515,376.23

Schedule "A"  
as referred to  
in Section 7  
of the FOURTH  
Report of the  
Transport and  
Environment  
Committee

\* OVERSIZING EXPENDITURES are Non-Recoverable  
\* 0.3 METRE RESERVE EXPENDITURES are Fully Recoverable



KEY PLAN

N.T.S.

## REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. That an Option to Purchase executed by officials of the Board of Education for the City of Hamilton on 1989 December 20, and scheduled for closing on or before 1990 March 22, for the purchase by the City of 12 Spruceside Avenue and 13 Mapleside Avenue in the amount of \$760 000 be approved and completed.

NOTE: The property is composed of part of Plan 394, being the resubdivision of Park Lots 7 and 8, J. Mills Survey, being part of Lot 17, Concession 4, formerly in the Township of Barton, more particularly described as Lots 33 and 36, having a frontage of 160 feet (48.76 metres), more or less, along the westerly limit of Spruceside Avenue, bearing municipal number 12 Spruceside Avenue and Lots 42 to 45, having a frontage of 160 feet (48.76 metres) more or less, along the easterly limit of Mapleside Avenue, bearing municipal number 13 Mapleside Avenue.

The purchase price of \$760 000 is to be charged to Account No. CH5X306 00201 - (Reserve for Acquisition of Park Lands), in which sufficient funds are available to finalize this transaction.

Consideration in the amount of \$1 has been paid to the owners, and pursuant to the agreement forms part of the purchase price.

The property is being purchased for parks purposes.

2. That an Option to Purchase executed by Aladino Iachetti and Sylvia Iachetti on 1990 February 12, and scheduled for closing on or before 1990 May 7, for the purchase of the property at 123 Arbour Road, in the amount of \$128 000 be approved and completed.

NOTE: The subject property has a frontage along the easterly limit of Arbour Road of 106.79 feet (32.55 metres) more or less, by a depth of 450.5 feet (137.31 metres) more or less, bearing municipal number 123 Arbour Road. Consideration in the amount of \$1 has been paid to the owners and forms part of the purchase price of \$128 000.

The purchase price of \$128 000 is to be charged to Account No. CH5X306 00201 - (Reserve for Acquisition of Park Lands), in which sufficient funds are available to finalize this transaction.

Consideration in the amount of \$1 has been paid to the owners, and pursuant to the agreement forms part of the purchase price.

The property is required for open space purposes.

3. (a) That a purchase order be issued to Demik Construction Limited, Hamilton in the amount of \$232 700 for the construction of the New Public Works Storage Building & Renovations to the Existing Field House.
- (b) That a contract be entered into with Demik Construction Limited satisfactory to the City Solicitor.

NOTE: Lowest acceptable of six (6) tenders received.

4. That the rental fees for use of the Globe Park diamonds be increased for 1990 as follows:

<u>Existing</u>		<u>Proposed</u>	
<u>Weekday</u>	<u>Weekend</u>	<u>Weekday</u>	<u>Weekend</u>
\$4/hr.	\$5/hr.	\$7/hr.	\$8/hr.
<u>Holidays</u>		<u>Holidays</u>	
\$6/hr.		\$9/hr.	
<u>Tournament (Flat Fee) - Existing</u>		<u>Tournaments (Flat Fee) - Proposed</u>	
Daily until 6:00 p.m.	\$175	Daily until 6:00 p.m.	\$200
Daily until Dusk	\$225	Daily until Dusk	\$250
		(Flat Fee applicable til 8:00 p.m. Hourly fee after 8:00 p.m.)	

5. (a) That the Portuguese Association of St. Michael the Archangel be granted permission to sell food and alcoholic beverages on the occasions of the Annual Festival of the Holy Spirit, 1990 June 15, 16, and 17, in the Dundurn Park Pavilion, subject to the following terms and conditions:
  - i. Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
  - ii. That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up. etc.)
  - iii. That alcoholic beverages may be served in the confined area of the Pavilion on June 15, 16 (12:00 noon to 12:00 midnight) and Sunday, June 17 (12:00 noon to 10:00 p.m.), upon receipt of approval of the Liquor Licence Board.
  - iv. That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
  - v. That a financial statement relative to the sale of alcoholic beverages be submitted within 30 days of the celebrations.

NOTE: Approval required pursuant to Parks By-law No. 77-221.
- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
6. (a) That the application by the Feast Committee of the Church of St. Anthony of Padua, to host their annual feast celebration in Ivor Wynne Stadium on Sunday, 1990 June 17, between the hours of 11:00 a.m. to 11:00 p.m. be approved subject to:
  - i. The terms and conditions set down in accordance with Schedule B of the Operational Regulations for use of Ivor Wynne Stadium to include provision of \$2 000 000 Comprehensive General Liability Insurance for Property Damage and Bodily Injury naming the City as co-insured.
  - ii. The terms and conditions for Fireworks Display at the Ivor Wynne Stadium as approved by City Council, at its meeting held October of 1987.

- iii. Provision of Public Liability and Property Damage Insurance, naming the City as co-insured in an amount satisfactory to the City.
  - iv. The Licensed Operator providing adequate insurance for his own protection.
  - (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
  - (c) That the Fireworks Display consist of a low level show.
7. (a) That permission be granted to the Hamilton and District Ladies Industrial Softball League to sell beer during the occasion of their softball tournament, scheduled at Globe Park, commencing 1990 May 25 to May 27, under the terms and conditions which include the following:
- i. That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
  - ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
  - iii. That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
  - iv. That the applicant assume responsibility for all labour related costs as a result of this event.
  - v. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.
- NOTE: Approval is required pursuant to Parks By-laws 77-221.
- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
8. (a) That the request of Hamilton Holland Club for the City of Hamilton to participate in conducting a Feasibility Study to determine commitment, sponsorship, participation and interest for an annual week long "Dutch Heritage and Cultural Festival" in the City with the inaugural festival to be held in June 1991 be approved.

- (b) That the City's share of the cost of the feasibility study in the amount of \$10 000 be approved.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing.

NOTE: The total cost of the Hamilton Dutch Heritage and Cultural Festival Feasibility Study is \$40 000. Proposed cost sharing for the study includes HRT Consultants, Ministry of State, Netherlands Government and the City of Hamilton.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN J. GALLAGHER, ACTING CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 March 06

/lp

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SIXTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
  - (a) 240 Quigley Road
  - (b) 244 Quigley Road
2. That no demolition permit be issued for the properties located at 270-280 King Street East until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with S33(6) of the Planning Act.

NOTE: City Council at its meeting held Tuesday, 1989 July 25 approved Section 13 of the Seventeenth Report for 1989 of the Planning and Development Committee which also applied the conditions of the Demolition Control By-laws on the properties located at 266-268 King Street East. Both applications will, however, have to be approved by the Planning and Development Committee, under the provisions of the Rental Housing Protection Act, as the upper floors of 266-268 and 270-280 serve a residential use.

3. That two members of the Committee of Adjustment be authorized to attend the 1990 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for 3 days in June in Sault Ste. Marie, Ontario at an expense not exceeding \$1,000. each to be charged to Account No. CH 55201 10010, Legislative Travelling.
4. That approval be given to Proposed Draft Plan of Condominium Application SA-89-34, "Krystle Manor" Nestex Developments Ltd., owner, to establish a draft plan of condominium located at the west side of Quigley Road, south of Albright Road, subject to the following conditions:
  - (a) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1989 November 29.
  - (b) That the plan be revised to show modifications as required for truck manoeuvring.
  - (c) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

5. (a) That the City of Hamilton endorse the resolution, as shown on the attached marked as Appendix "A", adopted by Cambridge City Council respecting mandatory attendance at L.A.C.A.C. Technical Workshops; and,
- (b) That a copy of City Council's endorsement of this resolution be forwarded to Ms. Mary Lou Evans, L.A.C.A.C. Advisor, Ministry of Culture and Communications:

NOTE: The Cambridge resolution requests the reduction in the number of L.A.C.A.C. members required to attend the Ministry of Culture and Communications' Technical Workshops from three to one. Currently a minimum of 3 L.A.C.A.C. members must attend these Workshops in order for the Municipality to qualify for the Provincial Designated Property Grant Programme.

6. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to Shurguard Mini Storage (Hamilton) Inc., owner, of 1276 Stone Church Road East, to release the property from construction covenants to the City as contained in Deed Instrument 463048 C.D. registered on 1988 June 28.
7. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument 193509 L.T. and 193510 L.T., registered on 1987 July 30.
8. (a) That the Corporation of the City of Hamilton enter into a Lease Amending Agreement dated 1990 February 24, with Second Phase Civic Square Limited, Yale Properties Ltd., and Greater Hamilton Developers Limited in the form attached hereto as Appendix "B", which amends the Ground Lease between the City, Second Phase and Yale dated 1975 November 19, and registered on 1976 August 16, and grants formal approval to Second Phase, Yale and Greater Hamilton to their proposed plans to alter the Improvements as defined in the Ground Lease by expanding same over a portion of Additional Lands (situated on the south side of York Boulevard between Copps Coliseum and the Central Library) to create retail space to house a restaurant at grade level and a health club at the basement level and that the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

By entering into this Agreement, the City in its capacity as Lessor under the Ground Lease hereby grants its approval:

- (i) To the plans and drawings of the said alterations and expansion of the retail space contemplating the creation of an additional building coverage of 13,987 square feet to house a restaurant and health club;

- (ii) To the construction of the alterations in accordance with the said plans and the Ground Lease, provided the improvements are not commenced until the Agreement is fully executed and registered;
  - (iii) To the changes to the external appearance of the Improvements resulting from the expansion of the retail space;
  - (iv) To diminish the area of Publicly Useable Open Space of Second Phase by 6,500 square feet, to provide a new plan showing the revised Publicly Useable Open Space and to increase the Net Rentable Area of the Improvements of Second Phase by 13,987 square feet.
- (b) That the Ground Rent payable by Second Phase and Yale to the City of Hamilton in accordance with the terms of the Ground Lease be increased by \$6,713.76 per annum as a result of the expansion of the retail space by 13,987 square feet.
- (c) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 13, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "C" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one way direction for the purpose of providing access to the loading dock of Second Phase adjacent to the new restaurant/health club. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.
- (d) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 8, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "D" with Fourth Phase Civic Square Limited for the purpose of the City granting to Fourth Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one-way direction for Fourth Phase and its suppliers to have access to its truck loading dock. Furthermore, the City agrees that the Lessee shall have the right to have cars exit from Fourth Phase's existing parking garage exit door into the truck route for egress to York Boulevard. The City and Fourth Phase agree that when it is mutually determined by the City and Fourth Phase that there is an unusual problem in the truck route (such as security, excessive traffic, Copps Coliseum shows, etc.) the said parking garage exit door will be closed temporarily to prohibit cars from exiting into the truck route.

The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users.

Fourth Phase agrees that it does not have vehicular access easement rights over lands used by Copps Coliseum for its loading dock and parking area. (Parts 2 and 3, Plan 62R-8136).

- (e) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 12, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "E" with Second Phase Civic Square Limited for the purpose of granting to the City an easement to enter onto and use a portion of land leased to Second Phase (Part 4, Plan 62R-8136) as a right-of-way for vehicular access only in a one way (east to west) direction. The vehicular access route is to be used for trucks and other vehicles delivering or removing goods to and from the City's Library/Farmer's Market Complex.

The easement will be enjoyed and used during the term of the Ground Lease to Second Phase less one day namely, commencing on the date hereof and ending on 2069 October 30.

It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

- (f) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 26, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "F" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route along the rear of the Library/Farmer's Market Complex as a right of way for vehicular access only in a one way direction commencing at the easterly limit of the City's truck route and continuing along the route to connect with the Second Phase truck route for the purpose of using a loading dock or docks which may abut the Second Phase truck route in the future. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

\* 9.

That approval be given to Zoning Application 89-116, Peter and Anneliese Schaller, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 81 Myrtle Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 19(vi) of Zoning By-law No. 6593, a two-family dwelling shall be permitted having a minimum lot area of 238.0 m<sup>2</sup>;
  - (ii) That notwithstanding the requirements of Section 18A of Zoning By-law No. 6593, a minimum of two parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1165, and the subject lands on Zoning District Map E-23 be notated S-1165;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-23 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at 81 Myrtle Avenue.

The effect of the By-law is to legalize the existing two-family dwelling and require a minimum of two parking spaces on-site.

- 10. (a) That approval be given to Proposed Draft Plan of Subdivision Application SA-88-14, Valery Construction Ltd., owner, to establish a draft plan of subdivision, located south of Mud Street and west of Upper Mount Albion Road, subject to the following conditions:
  - (i) That approval apply to the area of the plan within the City of Hamilton, as prepared by Ashenhurst Nouwens Limited, dated 1989 January 24, revised to show a cul-de-sac bulb at the location of the future closing of Mud Street and probable realignment of Lots 1 to 4 inclusive.

- (ii) That the streets within the City of Hamilton be dedicated to the City as public highways on the final plan.
  - (iii) That the streets be named to the satisfaction of the City of Hamilton.
  - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
  - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
  - (viii) That Block "81" be set aside for future development.
  - (ix) That the Subdivision Agreement make specific provision that building permits will not be available for lots fronting onto or having direct access to Mud Street, until such time as Mud Street is realigned to the south.
  - (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments.
  - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-14), Valery Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

11. That approval be given to amended Zoning Application 89-80, C. Valery Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-family dwellings, for property located on the south side of Mud Street and west of the City Limits, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council; and,
- (c) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located on the south side of Mud Street and west of the City Limits.

The effect of the By-law is to permit small lot single-family development in conjunction with the adjacent lands to the south in the City of Stoney Creek.

12. (a) That approval be given to City Initiative 89-I, The Parking Authority for the City of Hamilton, owner, requesting a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That the subject lands be rezoned from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
  - (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
    - (1.) That notwithstanding Section 13C(3) of Zoning By-law No. 6593 only the following provisions shall apply:
      - (a) That a minimum 1.5 m wide landscaped strip be provided and maintained along the southerly side lot line;

- (b) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly side lot line;
  - (c) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1167, and that the subject lands on Zoning District Map E-3 be notated S-1167;
  - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;
  - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - (vi) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".
- (b) That the Amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North. The effect of the By-law is to permit a municipal parking lot.

In addition, the By-law provides for the following variances as special requirements:

- (i) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the southerly side lot line;
- (ii) To require a visual barrier not less than 1.2 m in height nor more than 2.0 m in height to be provided and maintained along the southerly side lot line; and,
- (iii) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

13. That approval be given to Zoning Application 89-134, Hamilton General Homes (1971) Ltd., owner, requesting a further modification to the "G-4" (Designed Shopping Centre) District regulations, to add a video store and gift shop to the list of permitted uses under the "G-4" District, for the properties located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached maps marked as Appendixes "J" and "K", on the following basis:
  - (a) That By-laws 88-267 and 89-326 be repealed in their entirety.
  - (b) That Block "1", as shown on Appendix "K", be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
  - (c) That Block "2", as shown on Appendix "K", be rezoned from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
  - (d) That the "G-4" (Designed Neighbourhood Shopping Centre) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to Blocks "1" and "2", as shown on Appendix "K", be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 13D(1)B, the following additional commercial uses shall be permitted:
      - (1.) video store;
      - (2.) gift shop.
    - (ii) That notwithstanding Section 13D(1)B, the following commercial uses shall be prohibited:
      - (1.) restaurant or refreshment room with or without any dancing or other entertainment including music;
      - (2.) outdoor patio.
    - (iii) That notwithstanding clause b), the following commercial use shall be permitted within the existing building located at 549 Stone Church Road East, shown as Block "1" on Appendix "K";
      - (1.) restaurant excluding a refreshment room without any dancing or other entertainment except music.
    - (iv) That Section 13D(5) shall not apply.
  - (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166, and that the subject lands on Zoning District Map E-27C be notated S-1166;

- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to repeal By-laws 88-267 and 89-326 applicable to the subject lands, and to provide for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified, for the properties located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a neighbourhood shopping centre.

In addition, the by-law provides for the following variances:

- (a) To permit a video store and gift shop in addition to the permitted uses in the "G-4" District;
- (b) To prohibit a restaurant or refreshment room with or without any dancing or other entertainment including music, and an outdoor patio.
- (c) To allow a restaurant (excluding a refreshment room) without any dancing or other entertainment except music, only within the existing stone house at 549 Stone Church Road East;
- (d) The provisions for maximum lot depth and maximum lot area shall not apply.

14. That approval be given to amended Zoning Application 89-91, 822827 Ontario Inc. (A. DiSilvestro, E. Parente, and N. Zaffiro), owners, requesting a further modification to the established "G-1" (Designed Shopping Centre) District to permit additional commercial uses, for property located at the northwest corner of Rymal Road East and Upper Wentworth Street, as shown on the attached map marked as Appendix "L", on the following basis:

- (a) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-law No. 88-241, applicable to the subject lands, be further modified to include the following as a special provision:
  - (i) That subsection (a) of Section 2 of By-law No. 88-241 be deleted and the following substituted therefore:
    - (1.) Notwithstanding section 13A(1) of By-law No. 6593, the following

Commercial Uses shall be prohibited:

- (a) A restaurant or refreshment room.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087a, and the subject land on Zoning District Maps E-18D and E-18E be notated S-1087a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a further modification to the "G-1" (Designed Shopping Centre) District for property located at the northwest corner of Rymal Road East and Upper Wentworth Street.

The effect of the By-law is to permit the following additional commercial uses:

- (a) A manual car wash;
  - (b) A mechanical car wash;
  - (c) A coin-operated car wash;
  - (d) A high-speed mechanical car wash; and,
  - (e) An automobile service station.
15. (a) That approval be given to Zoning Application 89-122, Ahmad Jan Karchi, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District to legalize the established three-family dwelling located at 773 Lawrence Road, as shown on the attached map marked as Appendix "M", on the following basis:
- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
    - (1.) That notwithstanding Sections 19(iii) and (vi) of By-law No. 6593 a maximum of three dwelling units shall be permitted within the building existing at the date of passing of this By-law, of which one dwelling unit shall have a minimum floor area of 49.0 m<sup>2</sup>;
    - (2.) That notwithstanding the requirements of Section 18A of By-law No. 6593 a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long, shall be provided and maintained on the lot.

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1164, and that the subject lands on Zoning District Map E-66 be notated S-1164;
  - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council;
  - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands.
- (c) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at 773 Lawrence Road.

The effect of the By-law is to permit the conversion of the existing building to contain a maximum of three dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit one of the dwelling units to have a minimum floor area of 49.0 m<sup>2</sup>, whereas 65.0 m<sup>2</sup> is required; and,
- (b) To require a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long to be provided and maintained on the lot.

16. That approval be given to City Initiative 89-F, to amend Zoning By-law No. 6593 respecting the provisions for "Townhouses" and "Maisonettes" on the following basis:

- (a) That Section 2.(2)A.(viib) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than eight single-family dwelling units but...", so that it shall read as follows:

"(viib) "Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- (a) Has separate front and rear entrances or separate front and side entrances; and
  - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row;"
- (b) That Section 2.(2)A.(viic) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than sixteen single-family dwelling units, but...", and by adding "and constructed" after "designed" so that it shall read as follows:

"(viic) "Dwelling, Maisonette" shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than six single-family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

- (a) Has a separate front entrance; and
  - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row; and
  - (c) Is joined by a common vertical back wall extending the length of the building."
- (c) That the "RT-10" (Townhouse) District provisions as contained in Section 10D of Zoning By-law No. 6593, be amended by adding a subsection to the following effect:

Dwelling Unit Placement

- (17) Not more than eight single-family dwelling units shall be attached in a continuous row.

- (d) That "RT-20" (Townhouse - Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (17) (a) For townhouses, not more than eight single-family dwelling units shall be attached in a continuous row.
- (b) For maisonettes, not more than sixteen single-family dwelling units shall be provided in one block, and not more than eight single-family dwelling units shall be attached in a continuous row.

- (e) That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (9) Not more than eight single-family dwelling units shall be attached in a continuous row.
- (f) That the "Floor Area Ratio" provisions as contained in subsections 10B(5) - "DE2" (Multiple Dwellings) Districts; 10C(5) - "DE3" (Multiple Dwellings) Districts; 11(5) - "E" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11A(5) - "E1" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11B(5) - "E2" (Multiple Dwellings, Lodges, Clubs, etc.) Districts and 11C(4) - "E3" (High Density Multiple Dwellings) Districts be amended by adding a special provision to the following effect:
- "Except, that where a multiple dwelling has a townhouse component the "Intensity of Use" requirements for the townhouse dwelling shall be calculated separately, and the floor area ratio for the remainder of the multiple dwelling shall be adjusted."
- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by clarifying the definition and regulations for "Townhouse" and "Maisonette" dwellings.

The effect of the By-law is to prohibit more than eight (8) single-family dwelling units being attached in a continuous row for a "Townhouse" and "street-townhouse" dwelling; and not more than sixteen (16) single-family dwelling units in one block, of which not more than eight (8) shall be attached in a continuous row for a "Maisonette" dwelling.

In addition, the floor area ratio provisions for the multiple dwelling districts (i.e. "DE2", "DE3", "E", "E1", "E2" and "E3") have been amended so that where a multiple dwelling is designed/constructed to contain a "Townhouse" component, the "Intensity of Use" requirements (i.e. density) for the "Townhouse" dwelling will be calculated separately, and the gross floor area for the remainder of the multiple dwelling will be adjusted accordingly.

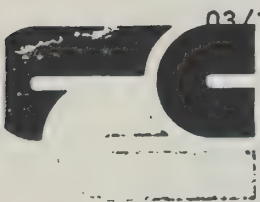
17. That leave be granted to introduce the following bills:

- (a) Bill D-33 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 85-213 respecting land located at Municipal No. 65 Walnut Street South.
- (b) Bill D-34 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 70-200 and By-law No. 86-115 respecting land located at Municipal No. 1000 Upper Gage Avenue.
- (c) Bill D-35 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 81-305 and to repeal By-law No. 83-83 respecting land located at Municipal No. 1036 Upper Wentworth Street.
- (d) Bill D-36 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 75-136 respecting land located at Municipal No. 186 Hunter Street East.
- (e) Bill D-37 A By-law to amend Zoning By-law No. 87-118 and Zoning By-law No. 6593 respecting lands located at Municipal Nos. 1489 to 1495 Upper Gage Avenue.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 March 7



03/13/90

The Corporation  
of the City  
of Cambridge

-2146-

Local Architectural Co  
P.O. Box 669,  
Cambridge, Ontario N1F  
Telephone: (519) 623-1

February 14, 1990  
File: AC-65

Mrs. Dianne Dent  
LACAC Chairperson  
City of Hamilton  
c/o City Clerk  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mrs. Dent:

Re: Mandatory Attendance at Technical Workshops

At their meeting of December 14, 1989 the Cambridge Local Architectural Conservation Advisory Committee discussed the Designated Property Grant agreement as signed by the Corporation of the City of Cambridge and the Ministry of Culture and Communications, specifically article 3. The Committee made the following recommendation which was subsequently approved by Council on January 22, 1990:

WHEREAS pursuant to an agreement entitled "Designated Property Grant Agreement", Article 3, a specific number of LACAC members must attend one seminar annually as prescribed by the Ministry of Culture and Communications;

AND WHEREAS the Ministry has requested a minimum of three LACAC members and one staff member to attend a Technical Workshop in the Fall;

AND WHEREAS the members of LACAC are volunteers and, as such, their time commitments do not always coincide with that of the Ministry's workshop schedule;

THEREFORE the Ministry of Culture and Communications be requested to reduce the minimum number of LACAC representatives to one, plus one municipal staff member

AND THAT this resolution be circulated to all LACAC's.

Appendix "A" as referred to  
in Section 5 of the SIXTH  
Report for 1990 of the  
Planning & Development  
Committee.

AMENDMENT TO GROUND LEASE

THIS AGREEMENT made as of the 24th day of January, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(herein called "the City")

OF THE FIRST PART

- and -

SECOND PHASE CIVIC SQUARE LIMITED

(herein called "Second Phase")

OF THE SECOND PART

- and -

YALE PROPERTIES LTD.

(herein called "Yale")

OF THE THIRD PART

GREATER HAMILTON DEVELOPERS LIMITED

(herein called "Greater Hamilton")

OF THE FOURTH PART

WHEREAS:

(a) Under a Development Agreement (hereinafter called the "Development Agreement"), dated September 3, 1970, the City, Greater Hamilton and Yale, did agree on the development and leasing of land, which Agreement was registered in the Registry Office for the Registry Division of Wentworth on the 30th day of March, 1971 as Instrument No. 199965A.B. and has been subsequently amended several times by registered Amending Agreements;

(b) By a Designation Agreement dated as of the 13th day of November, 1975, (herein called the "Designation Agreement") and registered in the said Registry Office on the 16th day of August, 1976 as Instrument No. 21610C.D., between the City, Second Phase, Greater Hamilton and Yale, Greater Hamilton granted all of its rights and obligations under and pursuant to the Development Agreement as they relate to Part Two (as defined therein) to Second Phase;

Appendix "B" as referred to in Section 8(a) of the SIXTH Report for 1990 of the Planning & Development Committee.

- 2 -

(c) By a Ground Lease dated as of the 19th day of November, 1975, (herein called the "Ground Lease") registered in the said Registry Office on the 16th day of August, 1976, as Instrument No. 21613C.D., between the City, as Lessor, Second Phase, as Lessee and Yale as Guarantor, the City leased to Second Phase the demised premises more particularly described in Schedule "A" attached thereto;

(d) By an Agreement dated as of the 15th day of November, 1975, (herein called the "Planning Act Agreement") registered in the said Registry Office on the 16th day of August, 1976 as Instrument No. 21610C.D., Second Phase and Yale agreed with the City in accordance with subsection 9 of section 22 of The Planning Act, R.S.O., 1970, c. 349 as amended;

(e) Pursuant to an Agreement dated as of the 30th day of November, 1976 (herein called the Licence Agreement") the parties hereto agreed that subject to certain conditions precedent being fulfilled, as set out in the Licence Agreement, the Ground Lease would be amended by including with the demised premises (as defined in Section 1.01(b) of the Ground Lease) certain additional land comprising 13,987 square feet and described in Schedule No. 5 hereto annexed (the "Additional Land") so that the demised premises under the Ground Lease shall be composed of the lands described in Schedule No. 1 hereto annexed;

(f) The matters in recital (e) were authorized by Addendum Number 8 dated November, 1976, being an amendment to the Redevelopment Plan entitled "Civic Square Urban Renewal Scheme, City of Hamilton" dated October, 1965, as prepared by Murray V. Jones and Associates Limited, in conjunction with the Urban Renewal Committee of the City of Hamilton, which Addendum was authorized and passed by By-law No. 77-70 of the City on the 29th day of March, 1977;

(g) Section 14.01 of the Ground Lease provides, amongst other things, that the City may lease to Second Phase and Second Phase may take and rent from the City, any additional land and that in such event, the City and Second Phase will execute a supplemental lease therefor for the balance of the term thereof subject to such conditions

as may then be agreed upon in the supplemental lease and otherwise subject to the conditions of the Ground Lease.

(h) Section 23.04 of the Ground Lease provides that "This lease may not be modified or amended except by an instrument in writing of equal formality herewith executed by the parties hereto or by their successors or assigns";

(i) Second Phase wishes to alter the Improvements (as defined in the Ground Lease) by expanding the same over a portion of the Additional Land which will result in a reduction of the Publicly Usable Open Space (as defined in the Ground Lease);

(j) Second Phase has submitted to the City, plans of the proposed expansion of the Improvements (as required by Section 6.04 of the Ground Lease) prepared by Arthur C. F. Lau, Architect. These plans included the following:

(a) plan titled "Restaurant Extension - Plan at Promenade Level" dated June, 1989;

(b) plan titled "Basement Plan";

(c) plan titled "Plan at Plaza Level";

The foregoing plans and other plans in the possession of the City have been initialled by Second Phase's architect or by an officer of Second Phase and the corporate seal of Second Phase affixed thereto. (Herein, those plans are referred to as the "Plans" and the alterations of the Improvements as detailed in the Plans are herein referred to as the "Alterations");

(k) Second Phase has applied to the City as lessor, for its approvals pursuant to the Ground Lease for the Alterations including a reduction in the area of the Publicly Usable Open Space.

(l) Second Phase intends to finance the Alterations and the proposed expansion of the Improvements by obtaining a mortgage or charge secured against its leasehold interest in the Ground Lease.

NOW THEREFORE IN CONSIDERATION of the sum of One Dollar (\$1.00) paid by each of the parties hereto to the others (receipt whereof is hereby acknowledged) and the covenants hereinafter contained, it is agreed by and between Second Phase, Yale, Greater Hamilton and the City as follows:

1. The Ground Lease is hereby amended by deleting Schedule "A" thereto and substituting therefor Schedule No. 1 attached hereto identified as "Schedule "A" - Revised description Part 2 Lloyd D. Jackson Square".
2. The Ground Lease is hereby amended by deleting Schedule "B" thereto titled "Plan showing Publicly Usable Open Space" and substituting therefor the schedule attached hereto identified as "Schedule No. 2 - Revised Plan showing Publicly Usable Open Space" and is noted as revised June 9, 1989;
3. The phrase "Part Two" in the Designation Agreement shall be deemed to mean Part Two as shown on Schedule "A" of the Development Agreement as that Schedule has been substituted pursuant to paragraph numbered 1 of this Agreement.
4. The Planning Act Agreement is hereby amended by deleting Schedule "A" thereto and substituting therefor said Schedule No. 1 attached hereto.
5. Upon the execution, delivery and registration of this Indenture, the Licence Agreement shall terminate.
6. That the City, solely in its capacity as Lessor under the Ground Lease, hereby grants its approval pursuant to sections 4.05 and 6.04 of the Ground Lease:
  - (a) To the Plans for the construction of the Alterations;
  - (b) To the construction of the Alterations in accordance with the Plans and the requirements of the Ground Lease, provided that the Alterations are not commenced until this Agreement is fully executed by all parties and registered on title to the land described in said Schedule No. 1;
  - (c) To the changes to the external appearance of the Improvements of Second Phase resulting from the Alterations;
  - (d) To diminish the area of Publicly Usable Open Space of Second Phase by 6,500 square feet;
  - (e) To increase the Net Rentable Area of the Improvements of Second Phase (referred to in Section 4.05 of the Ground Lease) by 14,000 square feet.
7. (a) The City acknowledges having received the Plans from Second Phase and a Certificate of the cost estimates of the Alterations (as required by Section 6.04 of the Ground Lease).

(b) As the cost estimates of the Alterations are in excess of \$250,000.00, the City requires (pursuant to Section 6.04 of the Ground Lease) that Second Phase, prior to the commencement of the Alterations, produce to the City an executed copy of the contract(s) for the construction of the Alterations and that such contract(s) shall comply with the provisions of Section 6.04 of the Ground Lease.

8. (a) Second Phase covenants and agrees that construction and completion of construction of the Alterations by Second Phase is governed by the following covenant of Second Phase to the City in the Ground Lease:

"The Lessee covenants and agrees that any alterations or other additional work once begun shall be prosecuted with reasonable diligence to completion free and clear of any and all mechanics' liens or other liens, conditional sale contracts, chattel mortgages or similar claims or encumbrances against the demised premises, the Improvements, the Lessor or any mortgagee, and performed in all respects in accordance with the law." (Section 6.04)

(b) Second Phase hereby expressly confirms that the Alterations will be specifically governed by the said quoted covenant in Section 6.04 of the Ground Lease and other applicable provisions of the Ground Lease as well as all of the provisions of this Agreement.

(c) Second Phase confirms and agrees that the rights and remedies of the City pursuant to this Agreement and pursuant to the Ground Lease are cumulative and not alternatives or exclusive or dependent upon each other, but the City may, from time to time, exercise any one or more of such remedies generally or in combination.

9. Second Phase acknowledges and agrees:

(i) That the Net Rentable Area of the Improvements of Second Phase prior to construction of the Alterations is 269,960 square feet;

(ii) That the Net Rentable Area of the Retail Commercial Space (Concourse Level) prior to the construction of the Alterations is 111,760 square feet;

(iii) That the Net Rentable Area of the Retail Commercial Space (Basement Level) prior to the construction of the Alterations is Nil;

(iv) That the area of the Publicly Usable Open Space prior to the construction of the Alterations is 82,000 square feet;

(v) That the total Net Rentable Area of the Retail Commercial Space (Concourse Level) after construction of the Alterations will be 118,260 square feet;

(vi) That the Net Rentable Area of the Retail Commercial Space (Basement Level) after construction of the Alterations will be 7,500 square feet;

(vii) That the area of the Publicly Usable Open Space after the construction of the Improvements will be 75,500 square feet;

(viii) That the total Net Rentable Area of the Improvements after construction of the Alterations will be 283,960 square feet.

10. In the event that after construction of the Alterations there is, in the reasonable opinion of the City, a significant discrepancy in any of the areas referred to in paragraph 6(v), (vi), (vii) and (viii) as constructed and the areas referred to in this Agreement, the parties shall enter into a further Agreement.

11. Schedule "B-14, Page 2" of the Development Agreement titled "Description of Improvements" is hereby amended by deleting the section thereof under the subheading "Phase Two" and substituting therefor the revised description of the Phase Two Improvements attached hereto as Schedule No. 3 titled "Description of Improvements B-14 Page 2 (revised August 1, 1989)".

12. Schedule "B-13" of the Development Agreement titled "Publicly Usable Open Space" is hereby deleted and a revised Map of Publicly Usable Open Space attached hereto as Schedule No. 4 is substituted therefor.

- 7 -

13. The parties acknowledge that notwithstanding that as of the date hereof, the Improvements of Second Phase have not been certified as completed by the Review Authority pursuant to Section 4.05(b) of the Development Agreement, this Agreement has been entered into as if the Improvements have been certified as completed on or about April, 1977, at which time the total Net Rentable Area of the Improvements as constructed was 269,960 square feet.

14. Second Phase acknowledges that the approvals of the City as Lessor in this Agreement do not and are not intended to indicate in any way whatsoever, compliance by Second Phase with the City's zoning by-laws or other by-laws and standards, or the standards, by-laws, regulations or laws of any other level of government.

15. Second Phase shall indemnify the City against all claims by any person arising from the construction of the Alterations or any other thing whatsoever related thereto whether arising from any breach or default or negligence by Second Phase, its tenants, agents, contractors, employees, invitees or licensees or from any accident, injury or damage or any other cause whatsoever related thereto; and such indemnity shall extend to all costs, legal fees, expenses and liabilities which the City may incur with respect to any such claim.

16. The Development Agreement, Designation Agreement, Ground Lease and Planning Act Agreement are hereby ratified and confirmed and are in full force and effect as amended hereby.

17. This Indenture shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

18. (a) This Agreement is subject to and shall not take effect until the approval of the same by the Ontario Provincial Minister of Municipal Affairs and Housing and Canada Mortgage and Housing Corporation, have been obtained, if necessary.

(b) The City will apply for the approval set out above and take all necessary steps for such applications forthwith after approval of this Agreement by its council.

- 8 -

19. The phrase "FIRST MORTGAGE" beneath the heading "ARTICLE XVI" on page 54 of the Ground Lease and Section 16.01(d) and Section 16.02 of the Ground Lease are hereby deleted.

20. The Lessee shall register this Agreement on title to the lands described in Schedule No. 1 attached forthwith after the execution of this Agreement.

21. Second Phase covenants and agrees that construction of the Alterations shall not commence until an Easement Agreement dated February 13, 1990 (to provide access along a new truck route defined in the said Easement Agreement to a loading dock to be constructed on the lands described in Schedule No. 5, such Easement Agreement being between the City as Transferor and Second Phase as Transferee) is executed and delivered by the parties thereto and registered on the title to the lands described in Schedule No. 1 attached hereto.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized for such purposes.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

YALE PROPERTIES LTD.

\_\_\_\_\_  
Vice-President

GREATER HAMILTON DEVELOPERS LIMITED

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

LIST OF SCHEDULES attached to and forming part of an Agreement dated January 24, 1990 between THE CORPORATION OF THE CITY OF HAMILTON, SECOND PHASE CIVIC SQUARE LIMITED and YALE PROPERTIES LTD.

- SCHEDULE No. 1 - Revised Legal Description of Demised Premises
- SCHEDULE No. 2 - Revised Plan of Publicly Usable Open Space
- SCHEDULE No. 3 - Revised Description of Improvements
- SCHEDULE No. 4 - Revised Plan of Publicly Usable Open Space  
(Development Agreement)
- SCHEDULE No. 5 - Legal Description of Additional Land

## -SCHEDULE A

Phase Two Lloyd D. Jackson Square  
Lease of Space in Shopping Promenade

REVISED  
DESCRIPTION OF PART TWO LANDS

## FIRSTLY:-

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:-

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton By-law No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17'), more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

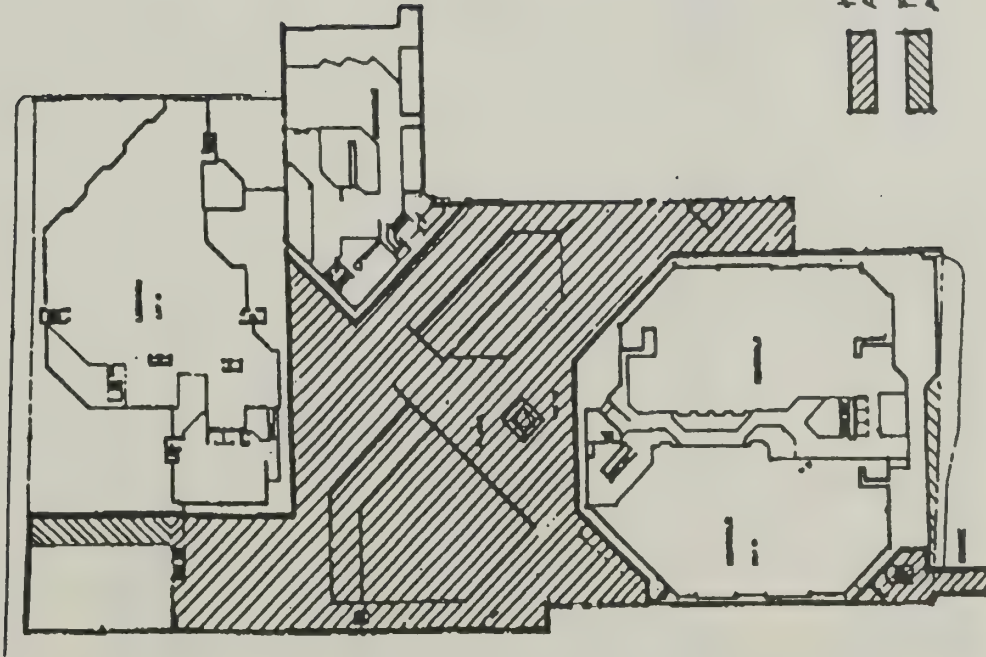
Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets. previously described in Instrument No. 21613C.D.

SECONDLY:- Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R-Phase Two 3/76; City of Hamilton; Regional Municipality of Hamilton-Wentworth.



PUBLIC USABLE OPEN SPACE  
AT PLAZA LEVEL  
PUBLIC USABLE OPEN SPACE  
AT STREET LEVEL

REVISED JUNE 2, 1989.

A.C.F. LAU, ARCHITECT



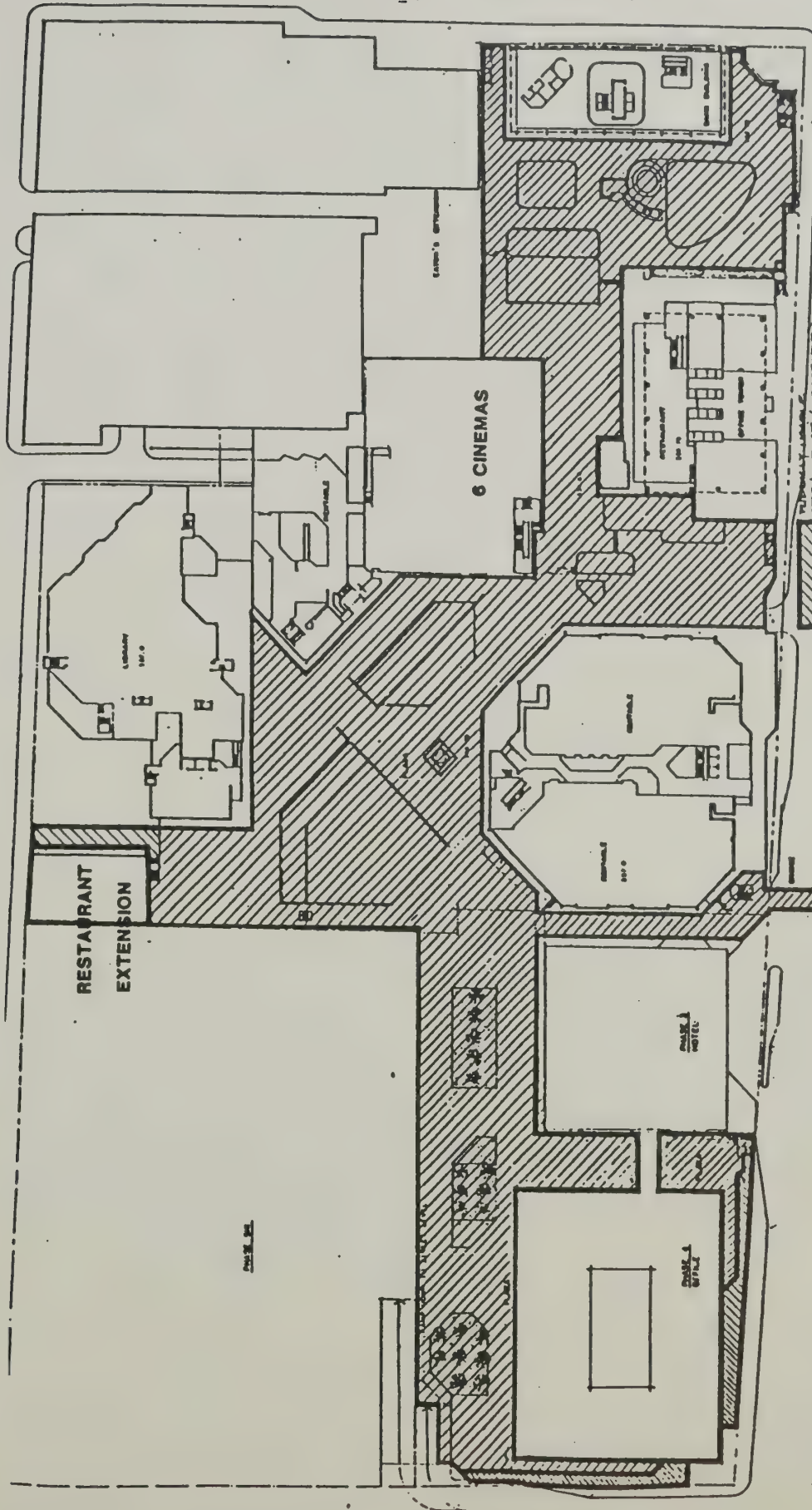
PLAZA LEVEL

B-14 Page 2  
(Revised August 1st, 1989)

DESCRIPTION OF IMPROVEMENTS

<u>PHASE TWO</u>	<u>Gross Floor Area (Sq. Ft.)</u>	<u>Net Rentable Area (Sq. Ft.)</u>	<u>Maximum Coverage at Plaza Level (and above) - Sq. Ft.</u>	<u>Maximum Height Above Plaza Level (331.0)</u>
Retail Commercial Space (Concourse Level)	156,200	118,260	-----	-----
Retail Commercial Space (Plaza Level)	68,000	49,000	57,700	One Floor (Plus Mechanical)
Office Building	120,600	109,200	-----	Six Floors (Plus Mechanical)
Retail Commercial Area Basement Level	8,300	7,500	-----	-----

The amount of Public Usable Open Space is 75,500 square feet.  
The minimum number of Parking Spaces is 235.



REVISED 30 JAN. 1990

THIS IS ONLY A DRAFT CONSTRUCTION OF PUBLICLY USABLE OPEN SPACE. THE FINAL DESIGN WILL BE DETERMINED BY THE CITY, THE DEVELOPER AND THE ARCHITECT. B-13

SCHEDULE NO. 5LEGAL DESCRIPTION OF ADDITIONAL LAND

Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth. (RA-H-508 Surveys)

THIS AGREEMENT made this 8th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

FOURTH PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited (hereinafter referred to as "Second Phase") dated November 19, 1975, which Lease has been registered as Instrument No. 21613 C.D.;

2. The City has entered into a Ground Lease with Fourth Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated June 1, 1981, is registered as Instrument No. 197189 C.D.;

3. The City has entered into a Ground Lease with Lakeview Development Ltd. (hereinafter referred to as "Lakeview") dated May 3, 1983 which Lease has been registered as Instrument No. 271066 C.D. on January 31, 1984;

4. The City, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Interface Agreement dated July 30, 1984, which Agreement has been registered as Instrument No. 161659 L.T. and as Instrument No. 320192 C.D. (herein referred to as the "Interface Agreement");

5. Section 6 of the Interface Agreement includes provisions in respect of:

Appendix "C" as referred to in Section 8(c) of the SIXTH Report for 1990 of the Planning & Development Committee.

-the reconstruction and extension of a truck route previously constructed by Fourth Phase Civic Square Limited, pursuant to the Fourth Phase Ground Lease.

-That after the reconstructed and extended truck route is completed by the City in conjunction with the construction of the Trade Centre/Arena known as the Victor K. Copps Coliseum (hereinafter referred to as "Copps Coliseum"), the Interface Agreement includes provisions for:

- (i) the preparation and deposit by the City of a reference plan of survey; and,
- (ii) easement agreements for the reconstructed and extended truck route including an easement from the City as Transferor in favour of the Lessee as Transferee;

6. The reconstructed and extended truck route was completed by the City on the land described in Schedule "A" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.

A survey was prepared and deposited by the City as Plan 62R-8136 and a legal description of the new truck route is attached hereto as Schedule "A".

7. The parties hereby wish to enter into the easement agreement referred to in the above mentioned Interface Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein and in the Interface Agreement, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during the balance of the term of the Ground Lease less one day, (namely, commencing on the date hereof and ending on

October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the new truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

- (a) commencing at the Easterly limit of the public highway known as Bay Street North and continuing in a one way direction along the new truck route to the loading dock designated as Parts One and Two on Plan 62R-6886 (hereinafter referred to as the "loading dock") which land is part of the land described in said Schedule "B"; and
- (b) continuing in the same one way direction from the loading dock along the new truck route to the Southerly limit of the public highway known as York Boulevard.

2. The Lessee covenants and agrees that its use of the new truck route shall:

- (a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from the loading dock;
- (b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph (a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)
  - (i) Notwithstanding the foregoing, the City agrees that the Lessee shall have the right to have cars exit

from the Lessee's existing parking garage exit door into the new truck route for egress to York Boulevard.

Without limiting the generality of other paragraphs hereof, the City and Lessee agree that when it is mutually determined by the City and the Lessee acting reasonably that there is an unusual problem in the new truck route (including without limitation such matters as security, excessive traffic, Copps Coliseum shows, etc.) the said parking garage exit door will be closed temporarily to prohibit cars from exiting into the new truck route.

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited and GGS Hotel Holdings (Canada) Inc.;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the new truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the new truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of H.E.C.F.I., the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City, Fourth Phase and GGS Hotel Holdings Canada Inc.;

- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the new truck route and of the Copps Coliseum or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the new truck route and the right to temporarily close the new truck route from time to time to permit the operations contemplated herein; and
- (h) The Lessee covenants and agrees:
  - (i) that it will not bring upon the new truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the new truck route and will not at any time overload the new truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,
  - (ii) that it will not operate, cause to be operated, use or consent to the use of the new truck route or any part

thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the new truck route:

- (a) may grant such further and other easements on, over, under, along and upon the said new truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the new truck route's costs.
- (b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City, Fourth Phase and GGS Hotel Holdings (Canada) Inc., shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. The City shall operate, maintain and repair the new truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City, GGS Hotel Holdings (Canada) Inc., Second Phase Civic Square Limited, the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:

- (a) it is agreed that the City as owner and manager of the new truck route shall:

(i) manage the new truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.

(ii) invoice and collect each user's share of these costs.

(b) it is agreed that the said costs of the new truck route (herein called the "new truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the new truck route costs;

(c) The Lessee covenants to pay to the City the Lessee's share of the new truck route costs.

(d) The City agrees that the new truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible and any other user, except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty

(30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.
- (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:
  - (i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this

Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,

(ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.

6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate new truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes permitting the Lessee access to and egress from the loading dock and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route permitting the Lessee access to and egress from the said loading dock will be available.
- (c) The Lessee acknowledges and agrees that the new truck route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, the City shall be entitled to close the new truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be

reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the new truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the new truck route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the new truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the new truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall

bind and run with the land described in Schedule "A" and with the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
  - (i) Except in the case of the foregoing by way of charge or mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
  - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
- (d) In the event of the foregoing by way of charge or mortgage, the Lessee covenants and agrees that it will not mortgage or charge any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant

shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.

12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:

(i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,

(ii) the approval of Canada Mortgage and Housing Corporation.

(b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.

13. Time shall be of the essence of this Agreement.

14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Fourth Phase Civic Square Limited  
c/o Yale Properties Limited  
2015 Peel Street  
Montreal, Quebec  
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers  
Barristers & Solicitors  
330-110 King Street West  
Hamilton, Ontario  
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton  
City Hall  
Attention: City Clerk  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.
- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
- (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be

binding upon the parties hereto as though the said provision or provisions had never been included.

15. The parties agree that the arbitration provision contained in Section 12 of the Interface Agreement shall apply to any dispute which arises in respect of the provisions hereof.
16. (a) In consideration for the grant of the herein Easement to the Lessee, the Lessee hereby agrees and confirms that the Lessee has no right, title or interest to a vehicular access easement from the City pursuant to Schedule "C" of the Ground Lease to the Lessee or from the City pursuant to the Hotel Interface Agreement or from the City pursuant to the herein agreement, except in that land known herein as the new truck route and defined herein as Part 1 on Plan 62R-8136. For greater certainty, the Lessee hereby confirms and agrees that it has no right, title or interest (pursuant to Schedule "C" of the Ground Lease to Fourth Phase, or pursuant to the Hotel Interface Agreement or pursuant to the herein agreement.) to a vehicular access easement in land described as Parts 2 and 3 on Plan 62R-8136 and in those portions of Parts 4 and 5 on Plan 62R-5316 which are in excess of the land comprising the new truck route defined herein as Part 1 on Plan 62R-8136.
- (b) The Lessee acknowledges and agrees that any alteration to its Improvements upon its demised premises which increases the size of its loading dock or provides an additional access point between the new truck route and the demised premises leased to Fourth Phase, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of its demised premises.

17. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor (c/s)

\_\_\_\_\_  
City Clerk

FOURTH PHASE CIVIC SQUARE LIMITED

Per: \_\_\_\_\_ (c/s)  
President

Per: \_\_\_\_\_  
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 8, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and FOURTH PHASE CIVIC SQUARE LIMITED.)

- |              |   |   |
|--------------|---|---|
| Schedule "A" | - | Legal description of new truck route  |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises                        |
| Schedule "C" | - | Legal description of land on which Fourth Phase loading dock is constructed |
| Schedule "D" | - | Blank form of Undertaking Agreement   |

SCHEDULE "A"

Attached to and forming part of an Agreement dated the 8th day of February, 1990 between The Corporation of the City of Hamilton and Fourth Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "B"

Attached to and forming part of an Agreement dated the 8th day of February, 1990 between The Corporation of the City of Hamilton and Fourth Phase Civic Square Limited

Phase Four Lloyd D. Jackson Square

DESCRIPTION OF PART FOUR LANDS

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of all of Lots 3, 4, and 5, part of Lots 1 and 2, part of Lots lettered "A" and "B" and part of an un-numbered lot, all in Block 1, David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, part of Lots 2, 3 and 4 fronting on Market Street in Block 2, David Kirkendall Survey and part of Market Street lying between the said Blocks 1 and 2, the said Market Street now closed by City of Hamilton By-law No. 72-270 dated October 31st, 1972, and registered as Instrument No. 270101 A.B., and which said parcel may be more particularly described as all of Part 7 according to a Reference Plan received and deposited in the said Land Registry Office on April 22nd, 1980, as Plan 62R-5316.

Secondly:

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lot 1 in Block 1, and part of Lots 1 and 2 fronting on Market Street in Block 2, according to David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, parts of Market Street now closed by City of Hamilton By-law No. 72-270 dated October 31st, 1972, and registered as Instrument No. 270101 A.B., part of Park Street, part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets according to the said David Kirkendall Survey, part of Lots 9 and 10 according to A. N. MacNab Survey (unregistered) in the block bounded by York, MacNab, Market and Park Streets and which said parcels may be more particularly described as that portion of Parts 2 and 3 according to a Reference Plan received and deposited in the said Land Registry Office on April 22nd, 1980, as Plan 62R-5316, lying below a horizontal plane having a geodetic datum elevation of Three hundred and fifty-three point zero feet (353.0')

Part 2 being composed of part of Lot 1, Block 1, part of Lot 1, Block 2 and part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets all according to the said David Kirkendall Survey, part of Lots 9 and 10, A. N. MacNab Survey and part of Market and Park Streets.

Part 3 being composed of part of Lot 1, Block 1 and part of Lots 1 and 2, Block 2, David Kirkendall Survey and part of Market Street.

Subject to the use by others of that part of the said Part 3 lying between two horizontal planes having geodetic datum elevations of Three hundred and one point zero feet (301.0') and Three hundred and twenty point zero feet (320.0') respectively.

TOGETHER WITH and subject to those rights and easements more particularly set out in Schedule "C" attached to a Ground Lease made as of the 1st day of June, 1981, between The Corporation of the City of Hamilton, Fourth Phase Civic Square Limited and Yale Properties Limited.

Previously described in Instrument Number 197189 C.D.

SCHEDULE "C"

Attached to and forming part of an Agreement dated the 8th day of February, 1990 between The Corporation of the City of Hamilton and Fourth Phase Civic Square Limited

Those lands and premises located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario, and being composed of:

- Part of Lots 1 and 2, Block 2 and part of Market Street, as closed by City of Hamilton By-Law No. 72-270, registered as Instrument No. 270101 A.B., according to David Kirkendall Survey, Registered Plan No. 39, designated as PART 1;

- Part of Lot 1, Block 1 and part of said closed Market Street, in the said David Kirkendall Survey, Registered Plan No. 39, designated as PART 2;

ALL as shown on a Reference Plan deposited in the Land Registry Office at Hamilton as Plan 62R-6886.

(Attached to and forming part of the AGREEMENT dated February 8, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and FOURTH PHASE CIVIC SQUARE LIMITED)

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a Ground Lease dated \_\_\_\_\_ wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. \_\_\_\_\_ ;

AND WHEREAS by the Agreement dated \_\_\_\_\_, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated \_\_\_\_\_ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1.
  - (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
  - (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
  - (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
  - (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
  - (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
  - (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
  - (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
  - (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2.
  - (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton  
Attention: City Clerk  
City Hall  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor c/s

\_\_\_\_\_  
City Clerk

Per: \_\_\_\_\_ c/s  
(referred to as "the Successor")

Per: \_\_\_\_\_

## LIST OF SCHEDULES

(Attached to and forming part of an AGREEMENT dated the                      day  
of                      , 19                      , entered into by THE CORPORATION OF THE CITY  
OF HAMILTON,                      and THE SUCCESSOR)

Schedule "A" - Leasehold Land

Schedule "B" - Legal description of truck route

THIS AGREEMENT made this 26th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

**WHEREAS:**

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;

2. The City has constructed a building for the central branch of the Hamilton Public Library Board and for the Hamilton Farmer's Market (hereafter this building is referred to as the "Library/Farmer's Market Complex").

3. The City has constructed a truck route which is described in Schedule "A" attached hereto (hereinafter referred to as the "truck route") through a portion of City land to provide trucks access to and from the loading docks of the Library/Farmer's Market Complex.

4. A reconstructed and extended truck route was completed by the City on the land described in Schedule "C" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.

5. The Lessee has constructed a truck tunnel through a portion of its demised premises (said tunnel described in Schedule "C" attached hereto is hereinafter referred to as the "Second Phase truck route"), which tunnel connects the City's truck route with the City's new truck route;

Appendix "D" as referred to in Section 8(d) of the SIXTH Report for 1990 of the Planning & Development Committee.

6. The Lessee has requested the City to grant the Lessee an Easement in the "truck route" and the parties enter into this Agreement for that purpose.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during the balance of the term of the Ground Lease to the Lessee less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

(a) commencing at the Easterly limit of the truck route and continuing in a one way direction along the truck route to connect with the Second Phase truck route for the purpose of using a loading dock or docks which may abut the Second Phase truck route in the future.

2. The Lessee covenants and agrees that its use of the truck route shall:

(a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from a loading dock or docks on its demised premises that abut the Second Phase truck route;

(b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph

- (a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)
- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market.
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City and Second Phase;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the truck route and of the Library/Farmer's Market Complex or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of

poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the truck route and the right to temporarily close the truck route from time to time to permit the operations contemplated herein; and

(h) The Lessee covenants and agrees:

(i) that it will not bring upon the truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the truck route and will not at any time overload the truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the truck route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the truck route:

(a) may grant such further and other easements on, over, under, along and upon the said truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the truck route's costs.

(b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City and Second Phase, shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and

supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. The City shall operate, maintain and repair the truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City and the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:

- (a) it is agreed that the City as owner and manager of the truck route shall:
  - (i) manage the truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.
  - (ii) invoice and collect each user's share of these costs.
- (b) it is agreed that the said costs of the truck route (herein called the "truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the truck route costs;
- (c) The Lessee covenants to pay to the City the Lessee's share of the truck route costs.

- (d) The City agrees that the truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible, and any other user except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.
5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.
- For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.
- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.

- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.
  - (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:
    - (i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,
    - (ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.
6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route will be available.
- (c) The Lessee acknowledges and agrees that the truck route (or portions of it) may be closed for such time as may be

reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, the City shall be entitled to close the truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the truck route or part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations

shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall

bind and run with the land described in Schedule "A" and with the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease, it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
  - (i) Except in the case of the foregoing by way of Charge or Mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
  - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
- (d) In the event of the foregoing by way of Charge or Mortgage, the Lessee covenants and agrees that it will not mortgage any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.

12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:
- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
  - (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.
13. Time shall be of the essence of this Agreement.
14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Second Phase Civic Square Limited  
c/o Yale Properties Limited  
2015 Peel Street  
Montreal, Quebec  
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers  
Barristers & Solicitors  
330-110 King Street West  
Hamilton, Ontario  
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton  
City Hall  
Attention: City Clerk  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the

City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.

- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
- (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.

- 15. The parties agree that the arbitration provision contained in Section 17.01 of the Ground Lease to Second Phase shall apply to any dispute which arises in respect of the provisions hereof.

16. For greater certainty, the Lessee acknowledges and agrees that:

- (a) any alteration to its Improvements upon its demised premises for the purpose of a loading dock or truck access from which to enter or to leave its demised premises to or from the Second Phase truck route, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of Second Phase's demised premises;
- (b) there shall be no alterations to the demised premises (if any) of Second Phase that abut the truck route for the purpose of a loading dock or truck access beside the truck route.

17. The Lessee agrees to install at its expense, an overhead garage door (upon the existing overhead door track located between the truck route and second phase truck route) to separate the truck route from the Second Phase truck route. Such door shall be installed at the same time as Second Phase constructs a pedestrian door or any other opening on Second Phase's demised premises which open upon the Second Phase truck route.

18. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_(c/s)  
Mayor

\_\_\_\_\_  
City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: \_\_\_\_\_(c/s)  
President

Per: \_\_\_\_\_  
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 26, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

- |              |   |  |
|--------------|---|--|
| Schedule "A" | - | Legal description of truck route                     |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises |
| Schedule "C" | - | Legal discription of new truck route                 |
| Schedule "D" | - | Form of Undertaking Agreement                        |

SCHEDULE "A"

Attached to and forming part of an Agreement dated the 26th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Firstly

Parcel 1-1 Freehold  
Section W-50

Part of MacNab Street as closed by City of Hamilton By-Law 70-277, Registered as Instrument No. 182919 A.B. designated as Part 2 on Plan 62R- (RC-H-309).

being part of the Parcel.

Secondly

Part of MacNab Street as closed by City of Hamilton By-Law 70-277, Registered as Instrument No. 182919 A.B. Part of York Street as closed by City of Hamilton By-Law 70-271, registered as Instrument No. 270102 A.B.

Part of Block 4, Registered Plan 39 and part of the unnumbered Lot, Registered Plan 50, in the block bounded by Merrick, MacNab, York and Park Streets, now all abstracted in the Jackson Square, designated as Part 1, on Plan 62R- (RC-H-309).

City of Hamilton,

Regional Municipality of Hamilton-Wentworth.

SCHEDULE "B"

Attached to and forming part of an Agreement dated the 26th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

REVISED  
DESCRIPTION OF PART TWO LANDS

## FIRSTLY:-

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:-

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17') more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613 C.D.

SECONDLY:- Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

SCHEDULE "C"

Attached to and forming part of an Agreement dated the 26th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

(Attached to and forming part of the AGREEMENT dated February 26, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

B E T W E E N:

OF THE FIRST PART

- and -

OF THE SECOND PART

- and -

(hereinafter called the "City")

OF THE THIRD PART

WHEREAS by a Ground Lease dated \_\_\_\_\_, wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. \_\_\_\_\_;

AND WHEREAS by the Agreement dated \_\_\_\_\_, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated  
with the Successor (hereinafter called the  
"Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1.
  - (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
  - (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
  - (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
  - (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
  - (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
  - (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
  - (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
  - (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2.
  - (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton  
Attention: City Clerk  
City Hall  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Per: \_\_\_\_\_ c/s  
(referred to as "the Successor")

Per: \_\_\_\_\_

(Attached to and forming part of an AGREEMENT dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, entered into by THE CORPORATION OF THE CITY OF HAMILTON, and THE SUCCESSOR)

Schedule "B" - Legal description of truck route

THIS AGREEMENT made this 12th day of February, 1990.

B E T W E E N:

Appendix "E" as referred to  
in Section 8(e) of the  
SIXTH Report for 1990 of the  
Planning & Development  
Committee.

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called the "Second Phase"

OF THE FIRST PART,

- and -

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "E" attached hereto; said Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;
2. A reconstructed and extended truck route was completed by the City on the land described in Schedule "B" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.
3. The City has constructed a building for the new central Library of The Hamilton Public Library Board and for The Hamilton Farmer's Market upon the land described in Schedule "C" attached hereto (hereinafter referred to as the Library/Farmer's Market complex); trucks and other vehicles to the Library and to the Farmer's Market building use as a portion of their exit route a portion of the demised premises leased to Second Phase by the City which portion of the demised premises is described in Schedule "A" (hereinafter referred to as the "vehicular access route").
4. The parties hereby wish to enter into this Easement Agreement in respect of such vehicular access route through the demised premises of Second Phase.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00)

now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein, Second Phase hereby transfers in common with all others entitled thereto from time to time, to the City, to be enjoyed and used as appurtenant to the City's land described in Schedule "C" attached hereto, for and during the balance of the term of the Ground Lease to Second Phase less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the vehicular access route (for trucks and other vehicles which make deliveries to or removals from the loading docks of the City's Library/Farmer's Market Complex to access the City's new truck route by means of the vehicular access route), the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" leasehold land as a right-of-way for vehicular access only in a one way direction commencing at the Easterly limit of the Schedule "A" leasehold land and continuing along and upon the vehicular access route to the new truck route;
2. The City covenants and agrees that its use of the vehicular access route shall:
  - (a) be limited to trucks and other vehicles delivering or removing to and from the City's Library/Farmer's Market complex, supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the City, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, including without limitation The Hamilton Public Library Board and The Hamilton Farmer's Market.
  - (b) be used solely by the City, its suppliers, contractors, employees, agents and tenants and all those claiming under them for the purposes set out in paragraph (a) above and

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shall not be used for the transportation of persons without limitation, employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage;

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by Second Phase;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the vehicular access route by other users; without limiting the generality of the foregoing, the City covenants to Second Phase that the City's use and the use of those claiming under it of the vehicular access route shall not unnecessarily or unreasonably interfere with the business of Second Phase;
- (e) be controlled in such reasonable manner as may be agreed upon by the City and Second Phase;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application; and
- (g) Second Phase expressly reserves itself the right to construct or permit to be constructed, services for utilities on, over, in, under and upon the vehicle access route and the right to temporarily close the vehicle access route from time to time to permit the operations contemplated herein; and
- (h) The City covenants and agrees:
  - (i) that it will not bring upon the vehicular access route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of Second Phase (acting reasonably) damage the vehicular access route and will not at any time overload the vehicular access route by any machinery,

equipment, article or thing, or by any act, neglect or misuse on the part of the City or any of its servants, agents or employees or anyone for whom the City is responsible in law. If such overloading shall occur and damage shall ensue, the City shall forthwith repair the same or pay Second Phase the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the vehicular access route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The City acknowledges and agrees that Second Phase, as owner of the vehicular access route:

- (a) may grant such further and other easements on, over, under, along and upon the said vehicular access route, in common with the use thereof by the City, to the commercial tenants of Second Phase, subject to the payment of their share of the vehicular access route's costs.
- (b) the City agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City and Second Phase, shall be binding upon the City. The City agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the City to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the City by Second Phase. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. Second Phase shall operate, maintain and repair the vehicular access route and the costs thereof incurred by Second

Phase shall be borne, it is agreed, by the City, Second Phase Civic Square Limited, and such other users permitted by Second Phase in such amounts as may be agreed upon from time to time and failing agreement the same shall be settled by arbitration pursuant to section 17.01 of the Ground Lease to Second Phase. Without limiting the generality of the foregoing:

- (a) it is agreed that Second Phase as owner and manager of the vehicular access route shall:
  - (i) manage the vehicular access route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to Second Phase of equipment and the rental of equipment and the cost of supplies used by Second Phase in its maintenance, operation and repair.
  - (ii) invoice and collect each user's share of these costs.
- (b) it is agreed that the said costs of the vehicular access route (herein called the "vehicular access route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the vehicular access route costs;
- (c) The City covenants to pay to Second Phase the City's share of the vehicular access route costs.
- (d) Second Phase agrees that the vehicular access route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of Second Phase, its servants, agents, employees, contractors, licensees or anyone for whom in law it is

responsible and any other user except the City, when such costs are the responsibility of the City pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the City agrees that any monies, expenses or charges which are to be paid by the City to Second Phase are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the City shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to Second Phase by any provision of this Agreement), Second Phase may notify the City in writing of the default and the City shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to Second Phase by any provision in this Agreement shall not be paid by

the City when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.

- (d) If the City does not comply with paragraph 5(b) hereof as required, Second Phase in addition to or together with any other remedy available at law to Second Phase (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the City, may terminate this Easement Agreement unless within such sixty (60) day notice period the City shall comply with paragraph 5(b) hereof.

- 6. (a) Notwithstanding that the City shall have complied in all respects with its obligations under this Agreement, if Second Phase wishes to establish an alternate vehicular access route, then, on not less than one (1) year's prior written notice to the City given by Second Phase, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), Second Phase shall provide for an alternate vehicular access route or routes and a new easement therefor. Such alternate vehicular access route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative vehicular access route, a temporary vehicular access route will be available.
- (c) The City acknowledges and agrees that the vehicular access route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, Second Phase shall be entitled to close the

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vehicular access route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the City, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the City shall not be entitled to claim from or be paid any amount by Second Phase in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of Second Phase, Second Phase shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond Second Phase's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the vehicular access route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the vehicular access route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law the City is responsible, or through it or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or

alterations shall be borne by the City who shall pay the same to Second Phase forthwith upon demand.

7. The City hereby agrees to indemnify and save harmless Second Phase against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the Second Phase may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the City or anyone for whom the City is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the vehicular access route or any part thereof or by reason of or arising out of any fault, neglect or default by the City or of any of its agents or employees or any other person or persons for whom the City is responsible in law in or on the vehicular access route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "C" by the City forthwith after its execution by the parties hereto.

11. (a) This Agreement shall be binding upon and shall enure to the benefit of the City, its successors and its assigns and this Agreement shall bind and run with the lands described in Schedule "A" and Schedule "C".
- (b) In the event that the Ground Lease to Second Phase is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The City covenants and agrees that it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the land described in Schedule "C" and in this Agreement unless and until such disposition is in compliance with the following:
- (i) The City shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to Second Phase, satisfactory to Second Phase acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to Second Phase. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
- (ii) the party subsequent in interest to the City must receive not less than all of the City's interest in this Easement Agreement.
12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:
- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
- (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications.

Second Phase agrees to co-operate in the obtaining of such approvals.

13. Time shall be of the essence of this Agreement.

14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to Second Phase:

Second Phase Civic Square Limited  
c/o Yale Properties Limited  
2015 Peel Street  
Montreal, Quebec  
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers  
Barristers & Solicitors  
330-110 King Street West  
Hamilton, Ontario  
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton  
City Hall  
Attention: City Clerk  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

(b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.

(c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address

therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.

- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
  - (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.
15. (a) The parties agree that the arbitration provision contained in Section 17.01 of the Ground Lease to Second Phase shall apply to any dispute which arises in respect of the provisions hereof.
- (b) Subsequent to the execution of this Agreement, Second Phase will request from its mortgagee or mortgagees, as the case may be, a non disturbance agreement in favour of the City, of this Easement in the event such mortgagee(s) shall exercise its security; provided the City shall be

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fulfilling all of its obligations relating to this Easement and this Agreement. Second Phase shall use its reasonable efforts to obtain such non disturbance agreement. It shall be a term of the said non disturbance agreement that it shall be in favour of the City, its successors and assigns and that the mortgagee shall postpone its mortgage to the Easement granted herein to the City.

16. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor (c/s)

\_\_\_\_\_  
City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: \_\_\_\_\_ (c/s)  
President

Per: \_\_\_\_\_  
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 12, 1990 entered into between SECOND PHASE CIVIC SQUARE LIMITED and THE CORPORATION OF THE CITY OF HAMILTON.)

- |              |   |   |
|--------------|---|---|
| Schedule "A" | - | Legal description of vehicular access route                 |
| Schedule "B" | - | Legal description of new truck route                        |
| Schedule "C" | - | Legal description of City's Library/Farmer's Market Complex |
| Schedule "D" | - | Blank form of Undertaking Agreement                         |
| Schedule "E" | - | Demised premises leased to Second Phase                     |

SCHEDULE "A"

Attached to and forming part of an Agreement  
dated the 12th day of February, 1990 between  
Second Phase Civic Square Limited and  
The Corporation of the City of Hamilton

Part of York Street as closed by City of Hamilton  
By-Law 72-271, registered as Instrument No. 270102 A.B.,  
Registered Plan 39, now abstracted in the Jackson Square,  
designated as Part 4 on Plan 62R-8136.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

SCHEDULE "B"

Attached to and forming part of an Agreement  
dated the 12th day of February, 1990 between  
Second Phase Civic Square Limited and  
The Corporation of the City of Hamilton

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "C"

Attached to and forming part of an Agreement  
dated the 12th day of February, 1990 between  
Second Phase Civic Square Limited and  
The Corporation of the City of Hamilton

Firstly

Part of Block 4, Registered Plan 39, Part of A. Miller 7 acre Tract, Registered Plan 50, part of York Street as closed by City of Hamilton By-Law 72-271, registered as Instrument No. 270102 A.B. and part of MacNab Street as closed by City of Hamilton By-Law 70-277, registered as Instrument No. 182919 A.B., now all abstracted in the Jackson Square, described as follows:

Commencing at a point in the southern limit of York Boulevard as widened by City of Hamilton By-Law 71-133, distant thirty four point nine zero metres (34.90m) east of the eastern limit of Park Street.

Thence South seventeen degrees fifty minutes fifty seconds west (S 17° 50' 50" W) fifty nine point eight two metres (59.82m) to a point.

Thence South seventy-two degrees nine minutes and ten seconds east (S 72° 09' 10" E) a distance of ninety-two point five six metres (92.56m) to a point.

Thence North seventeen degrees fifty minutes fifty seconds East (N 17° 50' 50" E) fifty-six point three three metres (56.33m) more or less to the southern limit of York Boulevard as widened.

Thence North seventy degrees one minute and fifty seconds West (N 70° 01' 50" W) ninety two point six two metres (92.62m) to the point of commencement.

Save and excepting part of said MacNab Street in the parcel register for Parcel 1-1, Section W50 designated as Part 11 on Plan 62R-591.

City of Hamilton  
Regional Municipality of Hamilton-Wentworth

Secondly

Part of Parcel 1-1  
Section W50 Freehold

Part of MacNab Street as closed by City of Hamilton By-Law 70-277, registered as Instrument No. 182919 A.B., designated as Part 11 on Plan 62R-591.

City of Hamilton  
Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 12, 1990 entered into between SECOND PHASE CIVIC SQUARE LIMITED and THE CORPORATION OF THE CITY OF HAMILTON)

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

**WITNESSETH THAT:**

WHEREAS by a Ground Lease dated \_\_\_\_\_ wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. \_\_\_\_\_ ;

AND WHEREAS by the Agreement dated \_\_\_\_\_, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated \_\_\_\_\_ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.  
(b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.  
(c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.  
(d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.  
(e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.  
(f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.  
(g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.  
(h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2. (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton  
Attention: City Clerk  
City Hall  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Per: \_\_\_\_\_ c/s  
(referred to as "the Successor")

Per: \_\_\_\_\_

(Attached to and forming part of an AGREEMENT dated the                      day  
of                      , 19                      , entered into by THE CORPORATION OF THE CITY  
OF HAMILTON,                      and THE SUCCESSOR)

- Schedule "A" - Leasehold Land
- Schedule "B" - Legal description of truck route

SCHEDULE "E"

Attached to and forming part of an Agreement dated the 12th day of February, 1990 between Second Phase Civic Square Limited and The Corporation of the City of Hamilton

REVISED  
DESCRIPTION OF PART TWO LANDS

## FIRSTLY:-

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:-

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17'), more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY:- Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

THIS AGREEMENT made this 13th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;

2. The City has entered into a Ground Lease with Fourth Phase Civic Square Limited (hereinafter referred to as "Fourth Phase") dated June 1, 1981, which Lease has been registered as Instrument No. 197189 C.D.;

3. The City has entered into a Ground Lease with Lakeview Development Ltd. (hereinafter referred to as "Lakeview" dated May 3, 1983, which Lease has been registered as Instrument No. 271066 C.D. on January 31, 1984;

4. The City, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Interface Agreement dated July 30, 1984, which Agreement has been registered as Instrument No. 161659 L.T. and as Instrument No. 320192 C.D. (herein referred to as the "Interface Agreement");

Appendix "F" as referred to in Section 8(f) of the SIXTH Report for 1990 of the Planning & Development Committee.

5. Section 6 of the Interface Agreement includes provisions in respect of:

-the reconstruction and extension of a truck route previously constructed by Fourth Phase Civic Square Limited, pursuant to the Fourth Phase Ground Lease.

-That after the reconstructed and extended truck route is completed by the City in conjunction with the construction of the Trade Centre/Arena known as the Victor K. Copps Coliseum (hereinafter referred to as "Copps Coliseum"), the Interface Agreement includes provisions for:

- (i) the preparation and deposit by the City of a reference plan of survey; and,
- (ii) easement agreements for the reconstructed and extended truck route including an easement from the City as Transferor in favour of the Lessee as Transferee;

6. The reconstructed and extended truck route was completed by the City on the land described in Schedule "A" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.

A survey was prepared and deposited by the City as Plan 62R-8136 and a legal description of the new truck route is attached hereto as Schedule "A".

7. The parties hereby wish to enter into the easement agreement referred to in the above mentioned Interface Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein and in the Interface Agreement, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during

the balance of the term of the Ground Lease less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the new truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

- (a) commencing at the Easterly limit of the public highway known as Bay Street North and continuing in a one way direction along the new truck route to the loading dock to be constructed by the Lessee on the land described in Schedule "C" hereto, (hereinafter referred to as the "loading dock") which land is part of the land described in said Schedule "B"; and
- (b) continuing in the same one way direction from the loading dock along the new truck route to the Southerly limit of the public highway known as York Boulevard.

2. The Lessee covenants and agrees that its use of the new truck route shall:

- (a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from the loading dock;
- (b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph (a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited and GGS Hotel Holdings (Canada) Inc.;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the new truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the new truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of H.E.C.F.I., the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City, Fourth Phase and GGS Hotel Holdings Canada Inc.;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the new truck route and of the Copps Coliseum or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the new

truck route and the right to temporarily close the new truck route from time to time to permit the operations contemplated herein; and

(h) The Lessee covenants and agrees:

(i) that it will not bring upon the new truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the new truck route and will not at any time overload the new truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the new truck route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the new truck route:

(a) may grant such further and other easements on, over, under, along and upon the said new truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the new truck route's costs.

(b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City, Fourth Phase and GGS Hotel Holdings (Canada) Inc., shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of

such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. The City shall operate, maintain and repair the new truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City, GGS Hotel Holdings (Canada) Inc., Fourth Phase Civic Square Limited, the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:
- (a) it is agreed that the City as owner and manager of the new truck route shall:
    - (i) manage the new truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.
    - (ii) invoice and collect each user's share of these costs.
  - (b) it is agreed that the said costs of the new truck route (herein called the "new truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the new truck route costs;
  - (c) The Lessee covenants to pay to the City the Lessee's share of the new truck route costs.
  - (d) The City agrees that the new truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those

of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible, and any other user except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of

paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.

- (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:

(i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,

(ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.

6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate new truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route will be available.
- (c) The Lessee acknowledges and agrees that the new truck route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the

foregoing, the City shall be entitled to close the new truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the new truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the new truck route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the new truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the new truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall bind and run with the land described in Schedule "A" and the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
  - (i) Except in the case of the foregoing by way of Charge or Mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
  - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
- (d) In the event of the foregoing by way of Charge or Mortgage, the Lessee covenants and agrees that it will not mortgage any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.

12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:

- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
  - (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.
13. Time shall be of the essence of this Agreement.
14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Second Phase Civic Square Limited  
c/o Yale Properties Limited  
2015 Peel Street  
Montreal, Quebec  
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers  
Barristers & Solicitors  
330-110 King Street West  
Hamilton, Ontario  
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton  
City Hall  
Attention: City Clerk  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.

- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
  - (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
  - (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.
15. The parties agree that the arbitration provision contained in Section 12 of the Interface Agreement shall apply to any dispute which arises in respect of the provisions hereof.
16. (a) In consideration for the grant of the herein Easement to the Lessee, the Lessee hereby agrees and confirms that the Lessee has no right, title or interest to a vehicular access easement from the City pursuant to the Hotel

Interface Agreement except in that land known herein as the new truck route and defined herein as Part 1 on Plan 62R-8136. For greater certainty, the Lessee hereby confirms and agrees that it has no right, title or interest pursuant to the Hotel Interface Agreement or pursuant to this herein agreement to a vehicular access easement from the City in land described as Part 3 on Plan 62R-8136.

- (b) The Lessee acknowledges and agrees that any alteration to its Improvements upon its demised premises which increases the size of the loading dock or provides an additional access point between the new truck route and the demised premises leased to Second Phase, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of its demised premises.

17. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_(c/s)  
Mayor

\_\_\_\_\_  
City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: \_\_\_\_\_(c/s)  
President

Per: \_\_\_\_\_  
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 13, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

- |              |   |   |
|--------------|---|---|
| Schedule "A" | - | Legal description of new truck route  |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises                        |
| Schedule "C" | - | Legal description of land on which Second Phase loading dock is constructed |
| Schedule "D" | - | Blank form of Undertaking Agreement   |

SCHEDULE "A"

Attached to and forming part of an Agreement dated the 13th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "B"

Attached to and forming part of an Agreement dated the 13th day of February, 1990 between The Corporation of the City of Hamilton and and Second Phase Civic Square Limited

REVISED  
DESCRIPTION OF PART TWO LANDS

## FIRSTLY: -

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:—

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17'), more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY: - Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

SCHEDULE "C"

Attached to and forming part of an Agreement dated the 13th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Part of Block 4, in the block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-Law 72-271, registered as Instrument No. 270102 A.B. Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed, on Plan 62R- (RA-H-508 Surveys)

City of Hamilton

Regional Municipality of Hamilton-Wentworth

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 13, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED)

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

**WITNESSETH THAT:**

WHEREAS by a Ground Lease dated \_\_\_\_\_, wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. \_\_\_\_\_;

AND WHEREAS by the Agreement dated \_\_\_\_\_, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated \_\_\_\_\_ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1.
  - (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
  - (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
  - (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
  - (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
  - (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
  - (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
  - (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
  - (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2.
  - (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton  
Attention: City Clerk  
City Hall  
71 Main Street West  
P.O. Box 2040  
Hamilton, Ontario  
L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Per: \_\_\_\_\_ c/s  
(referred to as "the Successor")

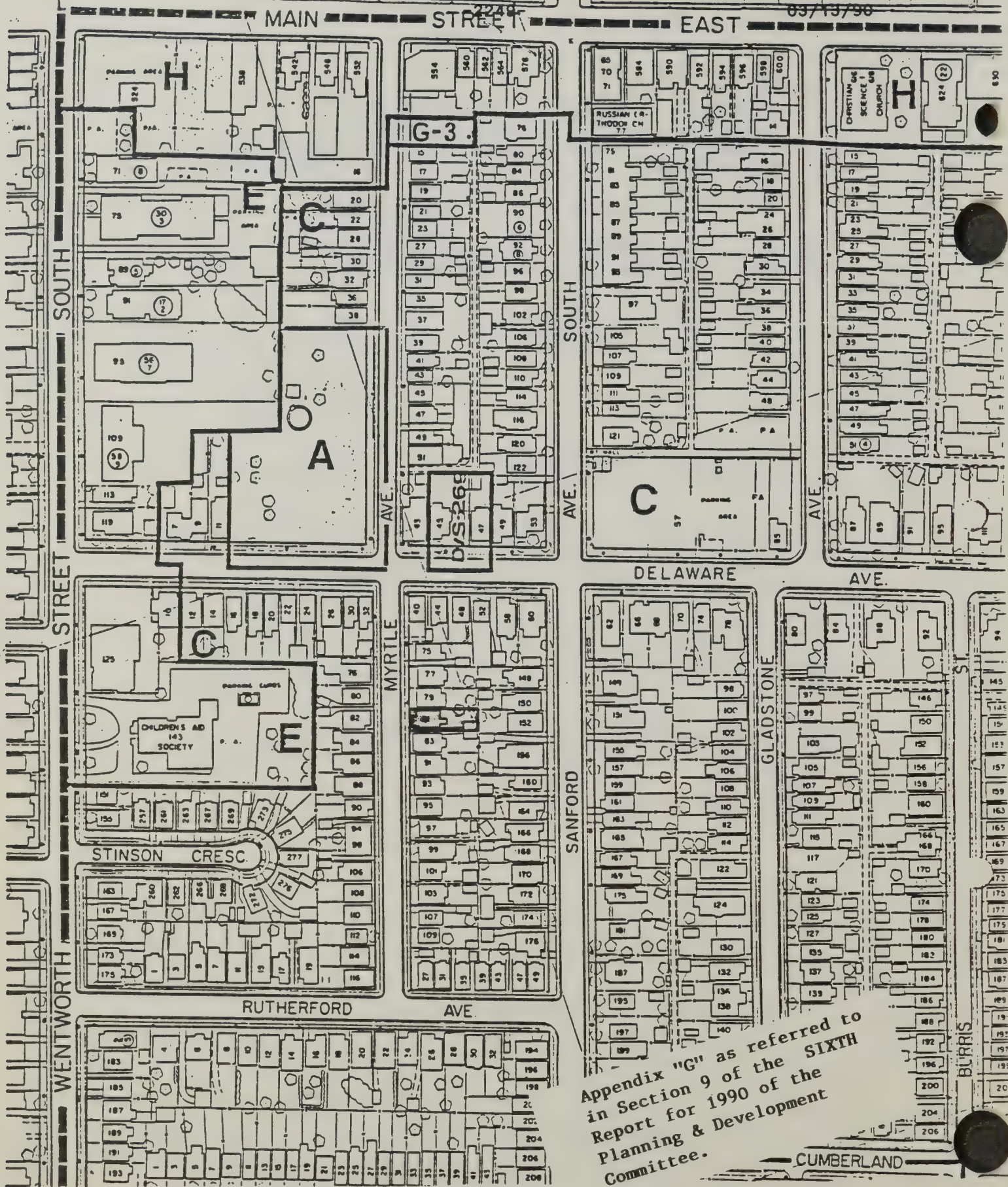
Per: \_\_\_\_\_

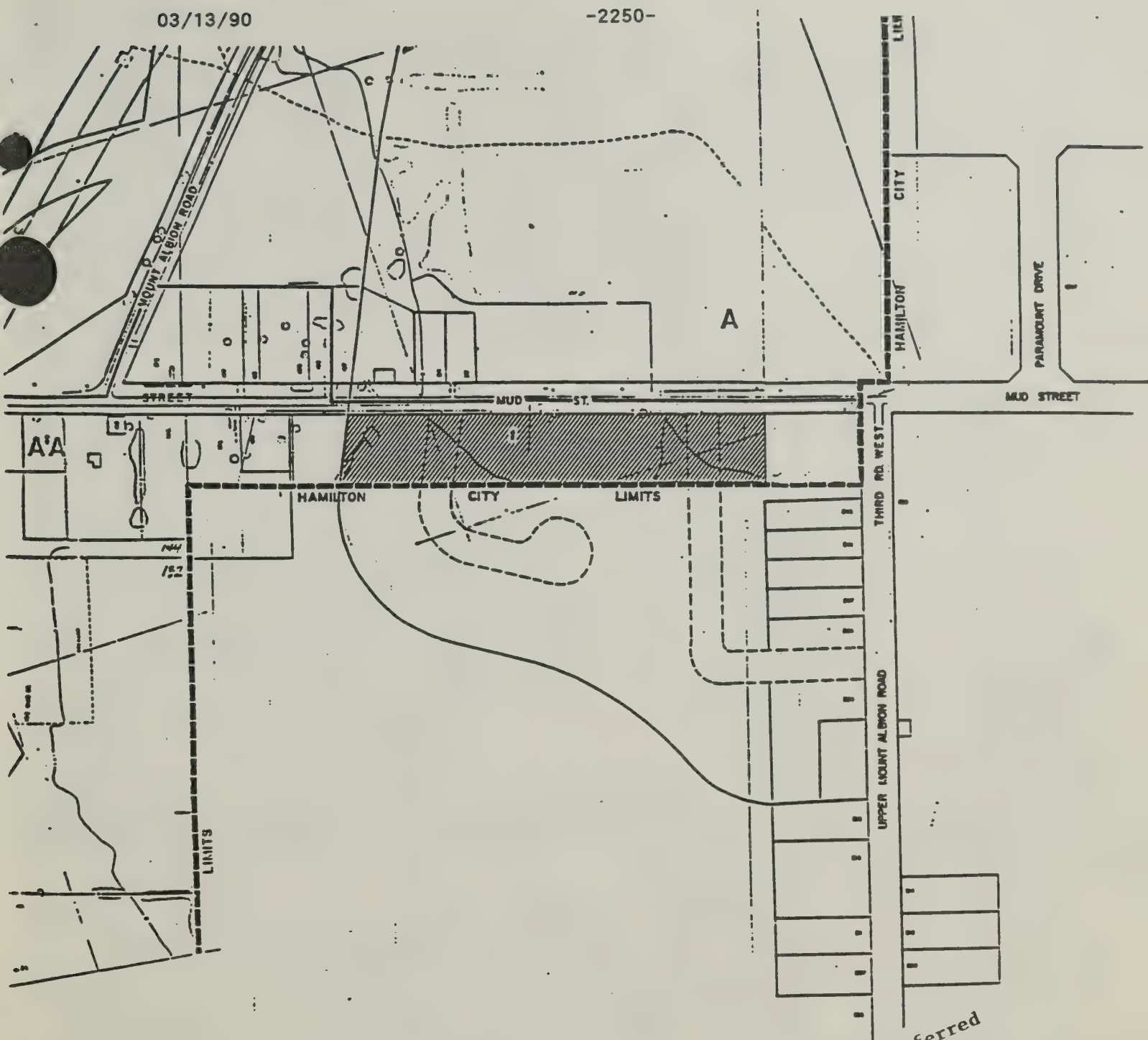
## LIST OF SCHEDULES

(Attached to and forming part of an AGREEMENT dated the                      day  
of                      , 19                      , entered into by THE CORPORATION OF THE CITY  
OF HAMILTON,                      and THE SUCCESSOR)

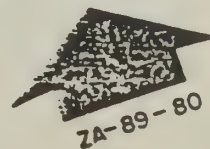
Schedule "A" - Leasehold Land

Schedule "B" - Legal description of truck route





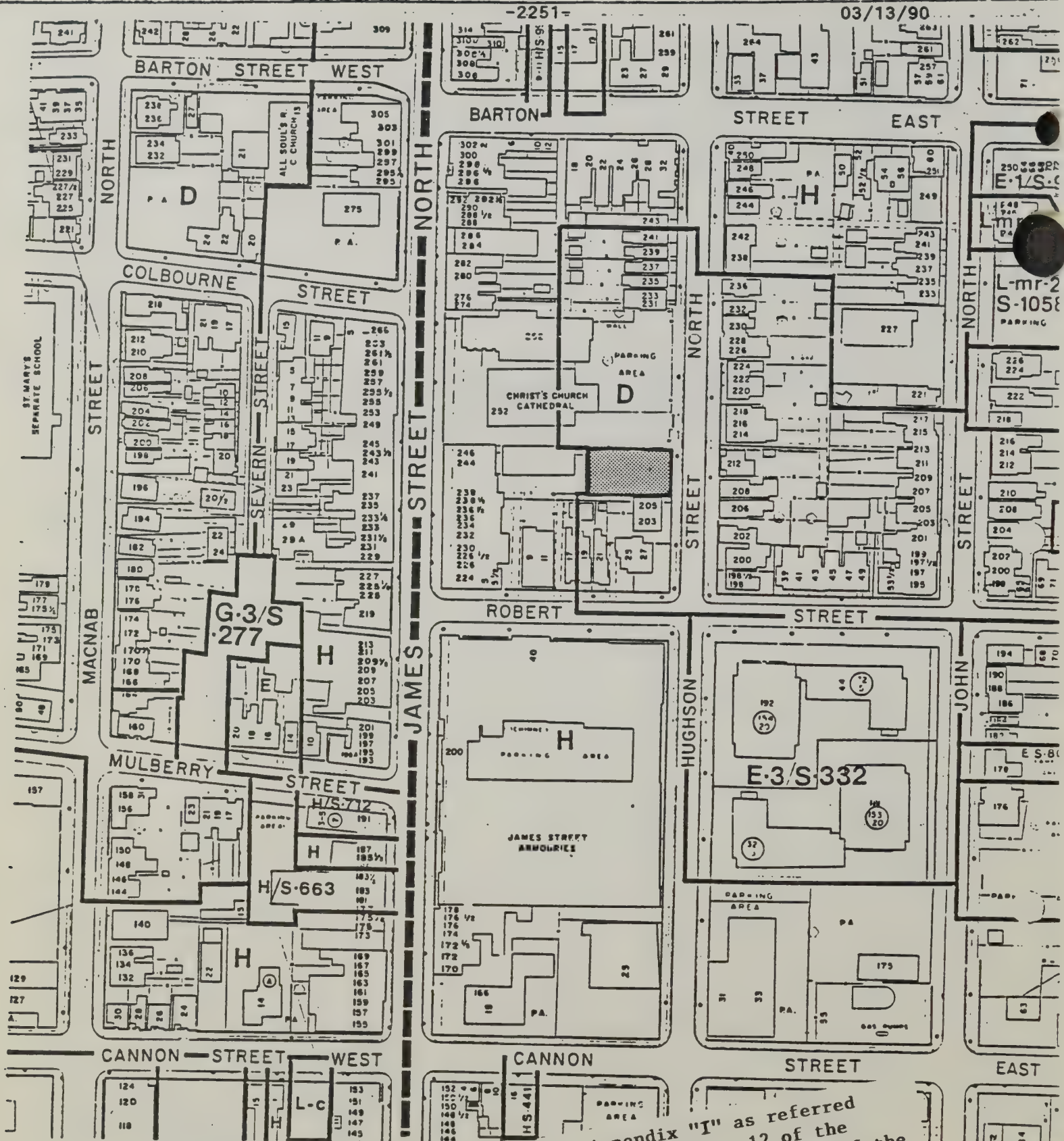
Appendix "H" as referred  
to in Section 11 of the  
SIXTH Report for 1990 of  
the Planning & Development  
Committee.



### Legend



SITE OF THE APPLICATION.

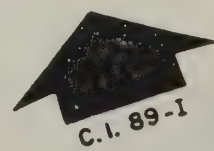


# **LEGEND**

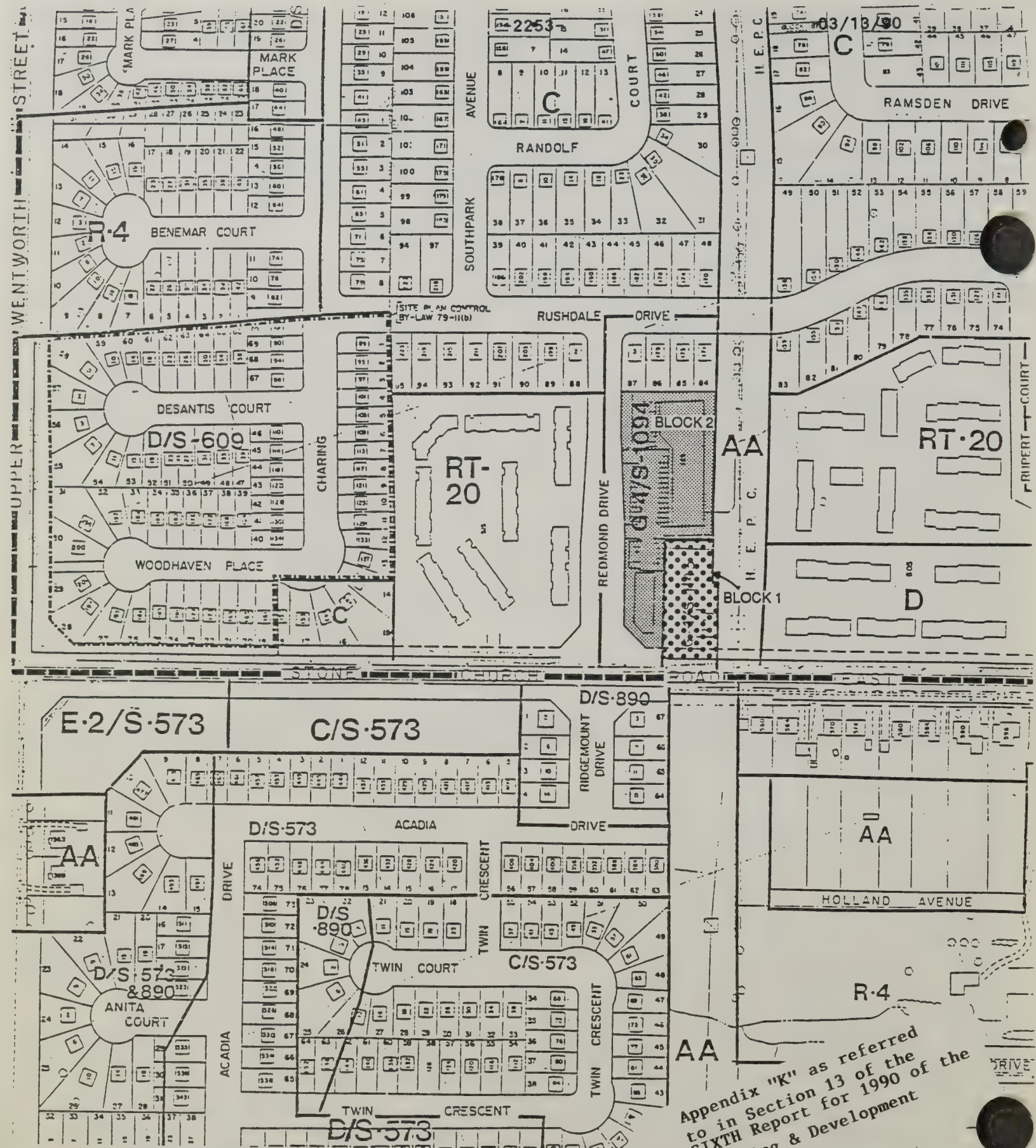


**SITE OF THE APPLICATION**

Appendix "I" as referred to in Section 12 of the SIXTH Report for 1990 of the Planning & Development Committee.







### Legend

Change in zoning from:



BLOCK 1

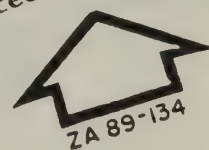
"AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping District, modified.



BLOCK 2

"C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified.

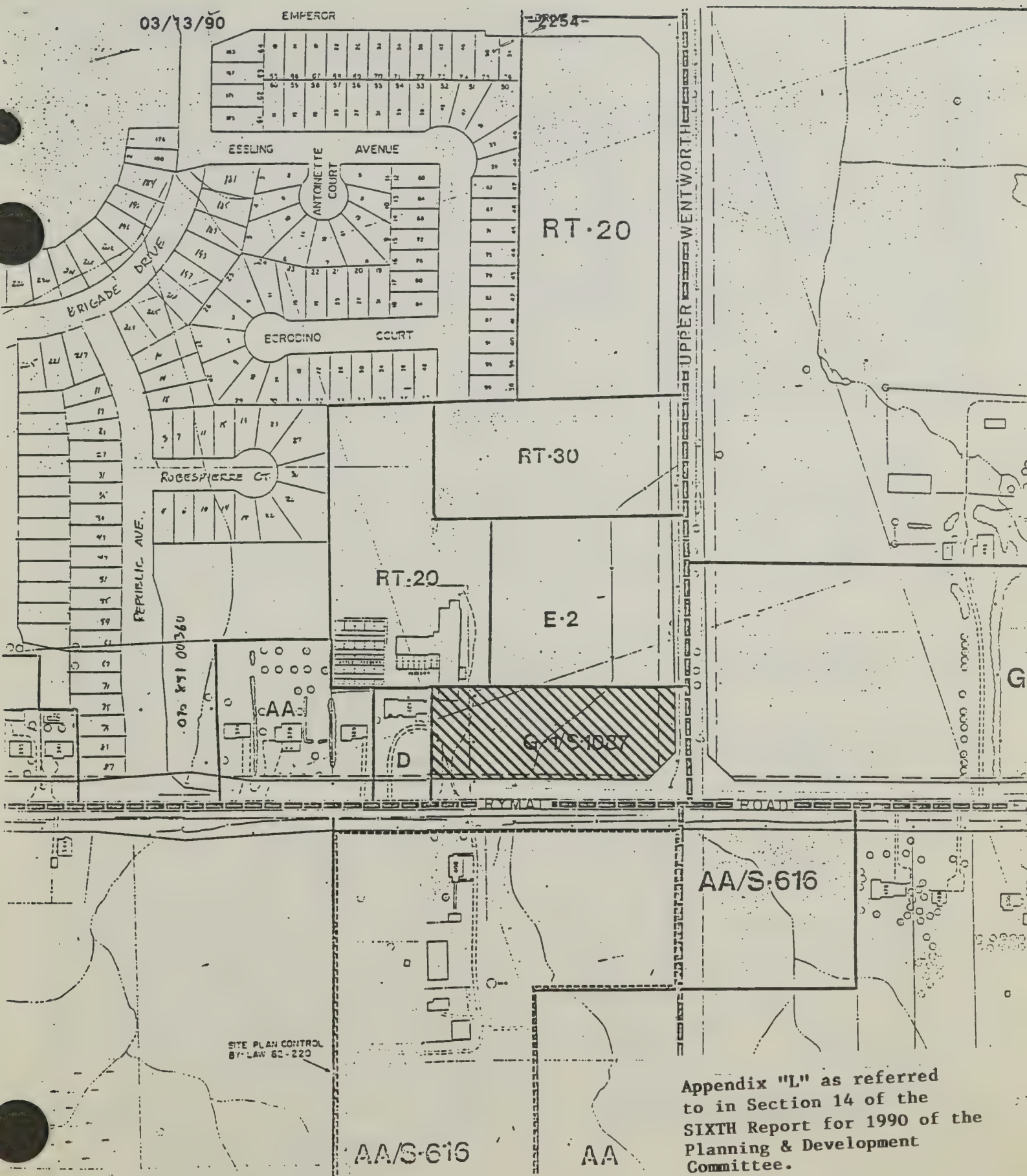
Appendix "K" as referred to in Section 13 of the SIXTH Report for 1990 of the Planning & Development Committee.



03/13/90

EMPEROR

2254-



Legend



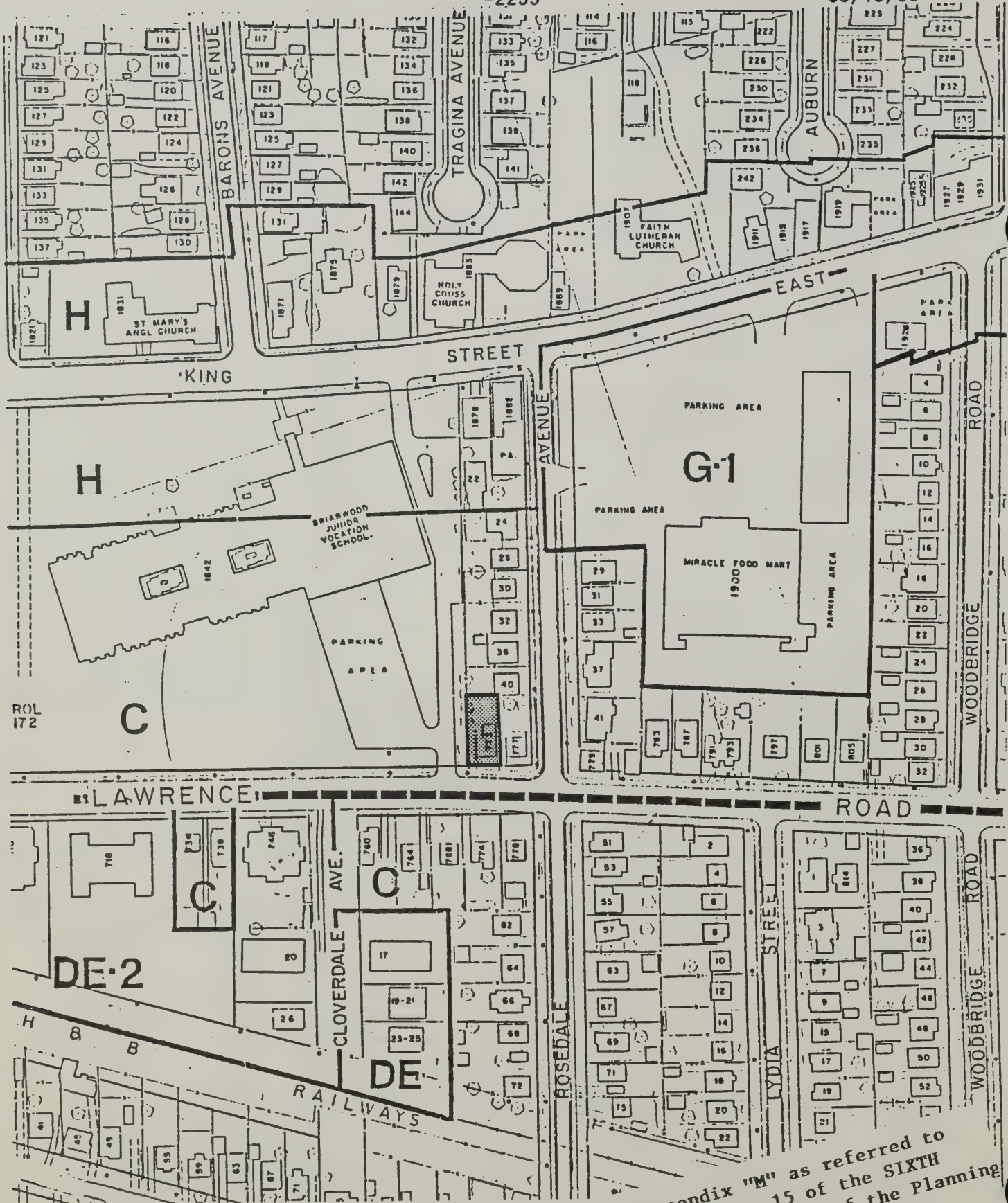
Site of the Application



Appendix "L" as referred to in Section 14 of the SIXTH Report for 1990 of the Planning & Development Committee.

APPENDIX A

APPENDIX A

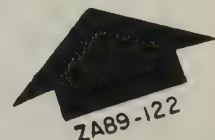


Legend



Site of the Application

Appendix "M" as referred to  
in Section 15 of the SIXTH  
Report for 1990 of the Planning  
& Development Committee.



## INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Information Systems Committee presents its FIRST Report for 1990 and respectfully recommends:

1. (a) That approval be given to Triathlon Leasing of Richmond Hill to provide Leasing services for IBM 3174 Communications Controllers at \$227.39/per month for 60 months in accordance with their Proposal dated 1990 January 24th.
- (b) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).

NOTE: Lowest of six leasing proposals received. Funding to be provided from CH-56638-26022 (Communications equipment leasing.)

2. (a) That approval be given to Triathlon Leasing of Richmond Hill to provide Leasing services for One IBM 3745 Communications Processor (replacement unit) at \$3 194.33/month for 36 months in accordance with their Proposal dated 1990 January 24th.
- (b) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).

NOTE: Lowest of six leasing proposals received. Funding to be provided from Account CH-56638-26022 (Communications equipment leasing).

Respectfully Submitted,

ALDERMAN J. GALLAGHER, CHAIRMAN  
INFORMATION SYSTEMS COMMITTEE

Lynn Dale, Acting Secretary  
1990 March 02

/lp

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his FIRST Report for 1990 and respectfully recommends:

- \*1. That the position of Race Relations Co-ordinator be established within the staff complement of the Culture and Recreation Department with the staff reporting relationship to the Director of Culture and Recreation and the Committee reporting relationship to the Mayor's Race Relations Committee.
- \*2. That the method of financing this position including:

Salary plus benefits - approximately -	\$42,000.00
Accommodation and furnishings -	\$ 3,400.00

be determined by Council.

NOTE: For the information of members of City Council, the Mayor's Race Relations Committee are requesting the establishment of a Race Relations Co-ordinator position to facilitate the activities of the Committee.

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow  
Co-Chairman  
Mayor's Race Relations Committee

Stella Glover  
Secretary

1990 March 02

- \* Sections 1 & 2 referred to the Committee of the Whole at the special Council meeting 1990 March 16.

REPORT OF THE SPECIAL COMMITTEE TO ADMINISTER  
THE HAMILTON-SCOURGE PROJECT

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Special Committee to Administer the HAMILTON-SCOURGE Project presents its FIRST Report for 1990 and respectfully recommends:

1. That application be made to the Ministry of Culture and Communication for a grant under the Cultural Facilities Improvement Programme in the amount of \$300,000.00.

NOTE: The purpose of this grant is to provide for the necessary funds for the Project Archaeologist(s) for a period of 9-14 months, Office Assistant(s) for a period of 12-16 months, Project Office and Operating Costs for a period of 12-16 months. This grant is also required in part to support the JASON Foundation for education endeavour relative to Hamilton and Scourge April/May 1990.

Respectfully submitted,

ALDERMAN W. M. McCULLOCH, CHAIRMAN  
SPECIAL COMMITTEE TO ADMINISTER  
THE HAMILTON-SCOURGE PROJECT

S. J. Dembe, Secretary  
1990 March 6



MEETING OF HAMILTON CITY COUNCIL  
FRIDAY, MARCH 16, 1990  
12.00 O'CLOCK, NOON

Special meeting of City Council called at the direction of His Worship Mayor Robert M. Morrow.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross.

ABSENT: Alderman Murray (vacation).

The Clerk read the notice calling the meeting.

This was a special meeting of City Council called to consider the 1990 Revenue and Expenditure Estimates, and the Capital Budget for 1990-1994 for the City of Hamilton.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: 1. That the 1990 Revenue and Expenditure Estimates for the City of Hamilton, and

2. The Capital Budget for 1990-1994,

be now considered in Committee of the Whole. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

CURRENT BUDGET

It was moved by Alderman Drury and seconded by Alderman Hinkley.

RESOLVED: that the 1990 Revenue and Expenditure Estimates for the City of Hamilton be approved in the amount of \$154,811,710. and based on these revenues and expenditures the residential mill rate be established at 96.7685 and the non-residential at 113.8453 which represents a 4.9% increase over the 1989 mill rate.

It was moved by Alderman McCulloch and seconded by Alderman Lombardo.

**RESOLVED:** that the resolution for approval of the 1990 Revenue and Expenditure Estimates be amended by adding an amount of \$45,500. to the Streets Division of the Public Works Department for the maintenance of 500 hanging baskets. - LOST.

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It was moved by Alderman Copps and seconded by Alderman Christopherson.

**RESOLVED:** that the resolution for approval of the 1990 Revenue and Expenditure Estimates be amended by adding an appropriate amount to the Parks Division of the Public Works Department to maintain the operation of the King's Forest Ski Operation until such time as the Ski Operation Study is completed. - LOST.

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It was moved by Alderman Agostino and seconded by Alderman Cooke.

**RESOLVED:** that the First Report of His Worship Mayor Robert M. Morrow for 1990, which was referred to this special meeting of City Council, dealing with the establishment of the position of a Race Relations Co-Ordinator, be approved for a two year term subject to the position being reviewed prior to the expiration of the two year period, and that provision be made in the 1990 Current Budget Estimates to finance this position.

**YEAS:** Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Christopherson, Agostino, Lombardo, Jackson. - 8.

**NAYS:** Aldermen Agro, McCulloch, Drury, Copps, Smith, Merling, Gallagher, Ross - 8. LOST.

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It was moved by Alderman Hinkley and seconded by Alderman Cooke.

**RESOLVED:** that the following resolution respecting the Performance Excellence Programme be approved:

- 1) ~~That the joint~~ City/Region three year Performance Excellence Programme be approved;
- 2) That the estimated \$414,850. City's share of costs for the first two years, being \$221,450. in 1990 and \$193,400. in 1991, be financed from the Reserve for Sick Leave;
- 3) That the Reserve for Sick Leave be repaid from expected savings from the programme starting in 1992, with full repayment to reserves projected by December 31, 1992.

YEAS: Aldermen Cooke, McCulloch, Hinkley, Drury, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross. - 10.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Christopherson, Merling. - 6.  
CARRIED.

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Vote on the resolution moved by Alderman Drury and seconded by Alderman Hinkley respecting approval of the 1990 Revenue and Expenditure Estimates for the City of Hamilton in the amount of \$154,811,710. - CARRIED.

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#### CAPITAL BUDGET

It was moved by Alderman Gallagher and seconded by Alderman Merling.

- RESOLVED: (1) That the debt charges shall not exceed an average of 12.5% of the estimated adjusted municipal levy over the 1990-1994 five year Capital Budget.
- (2) That the policy established in 1982, whereby any unexpended portion of the municipal contribution to a Local Board be placed in a reserve for capital projects for that Board, should be continued in 1990 and subsequent years to the extent that only adequate reserves are accumulated by the Board (as opposed to excessive reserves) and beyond this point such funds may be allocated to other areas requiring Local Board funding including any annual shortfall (amount required in excess of the municipal contribution).
- (3) That the employment impact of each project be given consideration.
- (4) That the six mill capital levy continue with specific reference to the "Pay-As-You-Go" policy, on the understanding that the expenditure program for the Reconstruction of Roadways, Abutting Sidewalks and other Sidewalks - Local Roads, be given first priority of the annual financing from this source. The balance of this six mill levy will be to finance such other capital projects as directed by City Council.
- (5) That where the construction specifications of a capital project go beyond the normal requirements of the City of Hamilton as a result of financial involvement with outside groups such as institutions, private sector corporations, individuals, or other groups, that such outside contribution be in the form of a firm commitment before City Council is requested to confirm the gross cost of the project and the financial contribution of the City.
- (6) That new projects be introduced in the fifth year of the program or where Council is able to trade-off an existing project already included in the previous year's five year program.

- (7) That this Capital Budget Program be endorsed and forwarded to City Council for approval, for submission to and consideration by the Ontario Municipal Board, through the Regional Council.
- (8) That the Projects starting in the year 1990 be approved for implementation as per the attached list (Appendix "A") indicating the method of financing. The originating Department Head be requested to proceed with these projects. The City Solicitor be authorized to apply to the Ontario Municipal Board for all the 1990 start date projects requiring debenturing as indicated. The Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debentures. The City Treasurer be authorized to provide the gross cost of the project along with the applicable subsidy and the net cost, to the City Solicitor.

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It was moved by Alderman Hinkley and seconded by Alderman Copps.

RESOLVED: that the 1990-1994 Capital Budget be amended by increasing the total capital grant to the Y.W.C.A. from \$500,000. to \$750,000., to be spread over five years. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson. - 10.

NAYS: Aldermen Cooke, Drury, Agostino, Merling, Gallagher, Ross. 6. CARRIED.

\* \* \* \* \*

Recorded vote re Fire Station, Upper Sherman/Fennell Ave. - Project #18 to start 1992.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 12.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Recorded vote re V. K. Copps Trade Centre/Arena - Private Boxes -Study - Project #88.1 to start 1990.

YEAS: Mayor Morrow; Aldermen Cooke, Hinkley, Drury, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 11.

NAYS: Aldermen Kiss, Copps. - 2. CARRIED.

\* \* \* \* \*

Vote on Resolution moved by Alderman Gallagher and seconded by Alderman Merling on the 1990-1994 Provisional Capital Budget. CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on:

1. The 1990 Revenue and Expenditure Estimates for the City of Hamilton, and
  2. The Capital Budget for 1990-1994,
- be, and the same is hereby adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. - 16.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that leave be granted to introduce the following Bill:

"Bill A-11 - A By-law to Confirm Proceedings of the Council of the Corporation of the City of Hamilton at its Meeting Held on the 16th day of March, A.D. 1990." -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bill be now read a first time:

A-11

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher. - 11

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bill, with Alderman Jackson in the chair.

A-11

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bill (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss:

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bill, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher. - 11.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bill be now read a third time:

A-11

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher. - 11.

NAYS: 0 - CARRIED.

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MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, MARCH 27, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Agostino, Smith, Jackson, Merling, Gallagher,  
Ross, Murray.

ABSENT: Alderman Lombardo (family business).

His Worship Mayor Robert M. Morrow called the meeting to order.

Father Juvenal Liauba, Our Lady of Mercy (Lithuanian) Church, 58 Dundurn Street  
North, led the Council in prayer.

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Civic awards were presented to the Hamilton Sportsworld Spartans Touch Football  
Team.

\* \* \* \* \*

Certificates of Recognition were presented to:

- (a) Paul Cowell,  
Hamilton Entertainment and Convention Facilities Inc.
- (b) Frances DiTrapani,  
Keep Hamilton Clean Committee.
- (c) Robert Thayer,  
Property Standards Committee.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) National Parkinson Awareness Month - April 1990
- (b) Hamilton Teachers' Credit Union Day - March 27, 1990

\* \* \* \* \*

The minutes of the meeting of March 13, 1990 and the special meeting of March  
16, 1990 were taken as read and approved.

Business arising out of the minutes of the special meeting held on Friday, March 16, 1990.

It was moved by Alderman Ross and seconded by Alderman Drury.

RESOLVED: that the Finance and Administration Committee be requested to review the policy relative to the use of funds from the 5% Parks Dedication Fund. - CARRIED.

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The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Resolution from the City of Vanier, Ontario, dated February, 1990, condemning the position taken by municipalities declaring themselves unilingual English. RECEIVED.
2. Resolution from Metropolitan Toronto, dated February 15, 1990, respecting the Official Languages controversy. RECEIVED.
3. Resolution from the City of Toronto, dated February 21, 1990, respecting the Provincial and Federal Non Profit Housing Supply Programme. REFERRED TO THE MUNICIPAL NON-PROFIT HOUSING CORPORATION FOR COMMENT AND RECOMMENDATION TO THE FINANCE AND ADMINISTRATION COMMITTEE.
4. Resolution from the City of North York, dated March 5, 1990, respecting the establishment of a National Crime Prevention Committee. REFERRED TO THE HAMILTON-WENTWORTH REGIONAL BOARD OF COMMISSIONERS OF POLICE FOR COMMENT AND RECOMMENDATION TO THE FINANCE AND ADMINISTRATION COMMITTEE.
5. Resolution from the City of Gloucester, dated March 6, 1990, respecting grants payable to local municipalities for correctional institutions. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.
6. Resolution from the Township of Rochester, dated March 9, 1990, respecting the health care system in Ontario. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.
7. Letter dated March 8, 1990, from the Executive Director of the Canadian Tribute to Human Rights respecting the City's participation in the erection of the World's first tribute to Human Rights. RECEIVED.

Recorded vote to receive rather than refer to the Finance and Administration Committee.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Smith, Jackson, Merling, Ross, Murray. - 13.

NAYS: Aldermen Christopherson, Agostino. - 2. CARRIED.

8. Letter dated March 13, 1990, from the President, Local 4166, United Steelworkers of America, respecting Workplace Smoking By-law No. 89-370. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.

9. Twenty-one (21) form letters received from merchants/professionals, Hess Village, respecting parking in Hess Village. REFERRED TO THE HAMILTON PARKING AUTHORITY FOR COMMENT AND RECOMMENDATION TO THE FINANCE AND ADMINISTRATION COMMITTEE.
10. Application from Regina Pirro, 16 Park Street East, Dundas, Ontario, to remove the "H" (Holding) Provisions for land zoned "E-1-H" for property located at 12 Ray Street South. RECEIVED.
11. Application from 877175 Ontario Inc., 694 Upper James Street, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at 710 Upper James Street. RECEIVED.
12. Application from Jerome Calzonetti, c/o 867 Rymal Road East, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified, for properties located at 829, 837, 845, and 867 Rymal Road East. RECEIVED.
13. Application from Rob McDowell, Roman Lewczuk, Peter Serrant, 1119 Fennell Avenue East, Hamilton, Ontario, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", for property located at 1606 Upper Gage Avenue. RECEIVED.
14. Application from Felice Bozzo, P.O. Box 7147, Ancaster, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for property located at 21 Rymal Road West. RECEIVED.
15. Letter from Mr. K. E. Avery, City Clerk, advising objection received to By-law No. 90-24, respecting property on the north-west corner of Limeridge Road East and Upper Gage Avenue, dated March 23, 1990. NO ACTION TAKEN.
16. Letter dated March 27, 1990, from Turkstra, Mazza Associates, 15 Bold Street, Hamilton, Ontario, respecting development charges, particularly for high rise development in the downtown core. RECEIVED.
17. Letter dated March 26, 1990, from Marvin Ryder, Lecturer of Marketing and Business Policy, McMaster University, 1280 Main St. West, Hamilton, Ontario, setting out results of a study of the economic impact of the Grateful Dead and the New Kids On The Block concerts on the Region of Hamilton-Wentworth and the City of Hamilton. RECEIVED.
18. A notice from the Association of Municipalities of Ontario advising of a meeting to be held in London, Ontario, on Friday, March 23, 1990, dealing with the 1990 Ontario Budget - Municipal Action Plan. RECEIVED.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Council's support for the position of the Lithuanian community with respect to recognizing the Freedom and Declaration of Independence of Lithuania as a Sovereign State. CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Hamilton City Council support the position of the Lithuanian Community of Hamilton and Canada with respect to recognizing the Freedom and Declaration of Independence of Lithuania as a sovereign state; and that copies of this resolution be forwarded to The Right Honourable Brian Mulroney, Prime Minister, The Honourable J. Clarke, Minister of External Affairs, the Leaders of the Opposition Parties, as well as the Soviet Embassy. CARRIED.

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It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Jackson in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: 0 - CARRIED.

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(A) FINANCE AND ADMINISTRATION COMMITTEE - NINTH REPORT.

It was moved by Alderman Agostino and seconded by Alderman Agro.

RESOLVED: that Sub-Clause C of Section 1 respecting the Development Charges By-law be amended by deleting Subsection (g) reading as follows:

"(g) That all permit applications dated prior to the enactment of the by-law be exempt from paying the new development charges rates."

and by adding the following as Subsection (n):

"(n) That the Development Charges By-law not come into force and effect until April 28, 1990." -

YEAS: Mayor Morrow; Aldermen Agro, Agostino, Merling, Ross, Murray. - 6.

NAYS: Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Smith, Jackson. - 9. LOST.

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It was moved by Alderman McCulloch and seconded by Alderman Agro.

RESOLVED: that Section 2, respecting parking in the central business district, be referred to the Planning and Development Committee and that appropriate public hearings be held. - CARRIED.

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Alderman Kiss declared personal interest in, took no part in the debate and refrained from voting on Section 4. Her husband is an employee of Shell Canada Products Ltd. Section 4 deals with the purchase of gasoline and diesel fuel from Shell Canada Products Ltd.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that Section 19, dealing with the Capital cost for the design and development of a recreational trail system and improvements to the Red Hill Creek Valley lands, be referred back. - CARRIED.

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Recorded vote on Section 20. (Re: Policy for Selection of a General Manager for the Municipal Non-Profit (Hamilton) Housing Corporation.)

YEAS: Aldermen Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Smith, Merling, Ross, Murray. - 11.

NAYS: Aldermen Hinkley, Jackson. - 2. CARRIED.

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(A) FINANCE AND ADMINISTRATION COMMITTEE - TENTH REPORT.

It was moved by Mayor Morrow and seconded by Alderman Ross.

RESOLVED: that the following be added as Section 2:

- "2. that Mr. Bill Janssen be authorized to attend F.C.M.'s Big City Mayors Caucus on Housing, to be held in Vancouver, B.C., from Thursday, March 29, 1990 to Saturday, March 31, 1990, and that the cost of attending this Conference be charged to the Unclassified Account. - CARRIED.

\* \* \* \* \*

The recommendation of the Finance Committee on Subsection (a) of Section 4, respecting the additional City's share of the cost of services required in "Wellington Chase - Phase 2", CARRIED.

\* \* \* \* \*

It was moved by Alderman Merling and seconded by Alderman Hinkley.

RESOLVED: that Subsection (d) of Section 10, dealing with "Permit Parking" on both sides of Princess Street between Earl Street and Sherman Avenue, be referred back. - CARRIED.

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(C) PARKS AND RECREATION COMMITTEE- FIFTH REPORT.

It was moved by Alderman Agostino and seconded by Alderman Agro.

RESOLVED: that Section 1 regarding Lakeland Pool be tabled. -

Recorded vote to table Subsection (a) of Section 1.

YEAS: Mayor Morrow; Aldermen Agro, Copps, Christopherson, Agostino, Jackson. - 6.

NAYS: Aldermen Cooke, Kiss, McCulloch, Hinkley, Smith, Merling, Ross, Murray. - 8. LOST.

Recorded vote to table Subsection (b) of Section 1.

YEAS: Mayor Morrow; Aldermen Agro, Copps, Christopherson, Agostino, Jackson. - 6.

NAYS: Aldermen Cooke, Kiss, McCulloch, Hinkley, Smith,

Recorded vote to table Subsection (c) of Section 1.

YEAS: Mayor Morrow; Aldermen Agro, Hinkley, Copps, Christopherson, Agostino, Jackson. - 7.

NAYS: Aldermen Cooke, Kiss, McCulloch, Smith, Merling, Ross, Murray. - 7. LOST.

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It was moved by Alderman Agostino and seconded by Alderman Drury.

RESOLVED: that Subsection (a) of Section 1, dealing with Lakeland Pool, be amended by deleting the words "BE DENIED", in the fourth line, and substituting in lieu thereof the words "BE APPROVED". -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Christopherson, Agostino, Jackson. - 7.

NAYS: Aldermen Cooke, McCulloch, Hinkley, Smith, Merling, Ross, Murray. 7. LOST.

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Recorded vote on Subsection (a) of Section 1 regarding Lakeland Pool.

YEAS: Aldermen Cooke, McCulloch, Hinkley, Smith, Merling, Ross, Murray. - 7.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Christopherson, Agostino, Jackson. - 7. LOST.

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It was moved by Alderman Murray and seconded by Alderman Ross.

RESOLVED: that Subsection (b) of Section 1, regarding Lakeland Pool, be amended by deleting the words "BE DENIED", and substituting in lieu thereof the words "BE APPROVED". -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Christopherson, Agostino, Jackson. - 7.

NAYS: Aldermen Cooke, McCulloch, Hinkley, Smith, Merling, Ross, Murray. - 7. LOST.

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Recorded vote on Subsection (b) of Section 1, regarding Lakeland Pool.

YEAS: Aldermen Cooke, McCulloch, Hinkley, Smith, Merling, Ross, Murray. - 7.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Christopherson, Agostino, Jackson. - 7. LOST.

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It was moved by Alderman Agostino and seconded by Alderman Christopherson.

RESOLVED: that Subsection (c) of Section 1, regarding Lakeland Pool, be referred back. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Murray. - 13.

NAYS: Alderman Ross. - 1. CARRIED.

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Recorded vote on Section 5. (Re: Hamilton Summer Festivals.)

YEAS: Aldermen Kiss, Agro, McCulloch, Copps, Christopherson, Smith, Jackson, Merling, Ross, Murray. - 10.

NAYS: Mayor Morrow. - 1. CARRIED.

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The recommendation of the Finance and Administration Committee on Section 14, re purchase and installation of playlot equipment, carried.

\* \* \* \* \*

The recommendation of the Finance and Administration Committee on Section 15, re purchase and installation of metal equipment for the Highview Neighbourhood Playground, carried.

\* \* \* \* \*

The recommendation of the Finance and Administration Committee on Section 16, re the awarding of a contract to remove and replace the rink slab at the Mountain Arena, carried.

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(C) PARKS AND RECREATION COMMITTEE - SIXTH REPORT.

The recommendation of the Finance and Administration Committee on Section 1, re the Escarpment Stabilization Project, carried.

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(D) PLANNING AND DEVELOPMENT COMMITTEE - SEVENTH REPORT.

Recorded vote on Section 3. (Re: Affordable Housing.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Christopherson, Agostino, Smith, Jackson. - 10.

NAYS: Aldermen Ross, Murray. - 2. CARRIED.

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Recorded vote on Section 5. (Re: Zoning Change for Property on the North-West Corner of James Street North and Vine Street.)

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Hinkley, Christopherson, Agostino, Smith, Ross, Murray. - 10.

NAYS: Alderman Kiss. - 1. CARRIED.

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It was moved by Alderman Smith and seconded by Alderman McCulloch.

RESOLVED: that Section 6, re change in zoning on property at 79 Rymal Road West, be amended by adding the following as Subsection (f):

"(f) That the amending By-law not be forwarded for passage by City Council until such time as an up-to-date survey of the subject lands has been submitted to the Director of Local Planning. - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman H. Merling be appointed Acting Mayor for the month of April, 1990. - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Christopherson, Agostino, Smith, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-12, A-13,  
B-26, B-27, B-28, B-29, B-30, B-31, B-32, B-33, B-34, B-35,  
B-36, B-37, B-38, B-39,  
D-38, D-39, D-40, D-41.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Christopherson, Agostino, Smith, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Jackson in the chair.

A-12, A-13,  
B-26, B-27, B-28, B-29, B-30, B-31, B-32, B-33, B-34, B-35,  
B-36, B-37, B-38, B-39,  
D-38, D-39, D-40, D-41.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Christopherson, Agostino, Smith, Jackson, Ross, Murray. -12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading)  
on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley,  
Christopherson, Agostino, Smith, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time.

A-12, A-13,  
B-26, B-27, B-28, B-29, B-30, B-31, B-32, B-33, B-34, B-35,  
B-36, B-37, B-38, B-39,  
D-38, D-39, D-40, D-41.

YEAS: Mayor Morrow; Alderman Cooke, Kiss, Agro, McCulloch, Hinkley,  
Christopherson, Agostino, Smith, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 11.15 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its NINTH Report for 1990 and respectfully recommends:

1. A. That pursuant to the Development Charges Act, 1989, the City Solicitor be authorized and directed to prepare a by-law for the imposition of development charges on land under development or redevelopment within the geographical limits of the City of Hamilton.
- B. (a) That the uses of land, buildings, or structures upon which a development charge shall be imposed be designated as
  - (i) residential, and
  - (ii) non-residential,
- (b) 1. That the services according to which residential development charges are imposed be designated as
  - (i) Culture and Recreation,
  - (ii) Public Works - Parks,
  - (iii) Library,
  - (iv) Fire,
  - (v) Engineering,
  - (vi) Traffic.
2. that the services according to which non-residential development charges are imposed be designated as
  - (i) Fire,
  - (ii) Engineering,
  - (iii) Traffic,
- (c) That the standards of designated services as recommended in the Coopers & Lybrand Capital Charges Report of 01 December 1989 be adopted,

- (d) That the particular growth-related capital projects, or portions thereof be adopted as recommendations of the Coopers & Lybrand Report,
- (e) That the following formula for calculating the non-residential portion of the development charges against lands to be developed for mixed residential and non-residential use be adopted:

$$\text{Non-residential Charge} = \left[ \left( \frac{A}{B} \right) \times C \times D \right] + (E \times F)$$

where A = gross floor area of all buildings and structures used for non-residential purposes

B = total gross floor area of the development

C = area of the lot in hectares

D = per hectare rate under section 13(1)

$$E = A - 1/2 \left( \frac{A}{B} \times C \right)$$

(NOTE: If, after doing the calculation, E equals a negative number, E should be inserted into the formula as zero)

F = per square metre rate under section 13 (2)

NOTE: This formula was developed in consultation with The Coopers & Lybrand Consulting Group subsequent to Council approval of their Report.

- \*C. That the Development Charges By-law include among other matters the following main terms, conditions and provisions:

- (a) That the by-law apply to all lands in the City of Hamilton except lands owned by the City, the Region, the area municipalities within the Region, any local municipal boards and school boards,

\* *Proposed amendment lost, see page 2269*

- (b) 1. That residential development charges be based on the following six types of services,
- Culture and Recreation
  - Public Works - Parks
  - Library
  - Fire
  - Engineering
  - Traffic
2. That non-residential development charges be based upon the following three types of services,
- Fire
  - Engineering
  - Traffic
- (c) That development charges on land to be developed for residential and non-residential use be imposed at the base rates, and in accordance with the rate structure, as recommended in the Coopers & Lybrand Capital Charges Report of 01 December 1989,
- (d) That those non-profit housing projects that have received ministerial funding approval under the City's current lot levy rates be exempted from paying the new development charge rates,
- (e) That development charges be applied to mixed residential and non-residential developments in accordance with the formula described in B(e) above,
- (f) That all development charges be paid in full prior to the issuance of the building permit, unless an owner enters into an agreement with the City to provide for the payment of development charges in full at the time of application for a building permit,
- (g) That all permit applications dated prior to the enactment of the by-law be exempt from paying the new development charges rates,
- (h) That all monies collected as development charges be kept in a separate reserve fund and be applied only to the capital costs of the services for which the charge was levied,

- (i) That investment income on the development charges reserve fund be credited back to that fund,
- (j) That interest on refunds to be paid on over-payments be calculated in accordance with the Bank of Canada rate,
- (k) That the base rate for development charges be adjusted for inflation on an annual basis as permitted by the Development Charges Act,

NOTE: The Coopers & Lybrand Report recommends indexing on a semi-annual basis. However, an annual indexing should better facilitate administration of the by-law.

- (l) That the by-law be administered by the Building and Treasury Departments,
- (m) That the Development Charges By-law continue in force and effect for a period of five years, the maximum term allowed under the Development Charges Act.

NOTE: The Coopers & Lybrand Report recommends a three year term. However, a five year term will afford a longer period of time during which to monitor the effectiveness of the by-law and to complete the additional studies required to enact a successor by-law.

For the information of Members of Council, on 1989 December 12 City Council, in adopting Item 1 of the TWENTIETH Report of the Finance Committee, approved a Coopers & Lybrand Report dated 1989 December 1 entitled "Capital Charges Study".

On Saturday 1990 February 17 a Notice of Public Meeting respecting the City's intention to pass a Development Charges By-law was first published in The Hamilton Spectator. Subsequent notices were published on the 20th and 21st of February 1990.

On 1990 February 22 a draft Development Charges By-law was received by the Finance and Administration Committee and its distribution for public consideration and comment was authorized.

On 1990 March 15 the Finance and Administration Committee in accordance with Section 4 of the Development Charges Act, 1989 held a public meeting to receive public submissions on the proposed Development Charges By-law.

On 1990 March 22 the Finance and Administration Committee received a report from Ms. Lian Lawrence, City Solicitor's Department, containing a summary of the various concerns and recommendations submitted at the public meeting along with a review of the legal, financial and administrative implications of the various concerns.

Following consideration, the Committee approved the formula for calculating the non-residential development charge on mixed residential and non-residential development, and directed that the Development Charges By-law as drafted by the City Solicitor's Department be submitted to City Council for enactment.

- \* 2. (a) That the exemption from parking requirements for commercial development in the central business district be discontinued.
- (b) That the provisions of the "Cash in lieu" policy be applied to the City as a whole.
- (c) That the cost to provide parking in the development area concerned be applied to the formula for the "Cash in lieu" provision.

NOTE: At its meeting held 1990 March 22 the Finance and Administration Committee endorsed the Capital expansion plans of the Parking Authority to provide parking in the total central business district.

In order to identify the most viable options available to finance the construction of parking structures in the central business district, the committee has also undertaken to investigate and examine the feasibility of directing the net revenue from parking fines into the Reserve for Off-Street Parking Account as well as appraise the impact of exempting the Parking Authority from the payment of realty and business taxes.

3. That a purchase order be issued to Petro-Canada Inc., North York, in the amount of \$184 975.62, for the supply and delivery of Petroleum Products to various locations during the next twelve months, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of nine (9) tenders received. Funds provided in various Lubricants Accounts.

- \* *Section 2 referred to the Planning and Development Committee with direction, see page 2269*

4. That a purchase order be issued to Shell Canada Products Limited, North York, for the supply and delivery of Gasoline and Diesel Fuel to various City Departments as and when required for the next twelve months in accordance with specifications issued by the Manager of Purchasing and Vendor's proposals as follows:

Toronto rack price per litre as of February 27, 1990:

Gasoline Unleaded:	.4440
#1 Diesel Fuel:	.3740
#2 Diesel Fuel:	.3740

NOTE: Lowest of two (2) proposals received. Funds provided in various Fuel Accounts.

5. That a purchase order be issued to Carter GM Trucks, Hamilton, in the amount of \$27 778.68 for the supply and delivery of one (1) 1990 Six Passenger Crew Cab and Chassis for Fleet Services to replace unit \$9235, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101.

6. That purchase orders be issued for the supply of Tires and Tire Maintenance during 1990 and 1991 for the City Garage and Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

J & M Tire, Hamilton

Supply of Tires during 1990 - City Garage	\$95 954
Hamilton Fire Department	16 960

5% increase during 1991. PST extra at 8%.

NOTE: Lowest of five (5) tenders received.

Parkdale Tire & Auto, Hamilton

Tire Maintenance during 1990 - \$4 200 per month  
  \$ 40 per call  
Tire Maintenance during 1991 - \$4 500 per month  
  \$ 42 per call

NOTE: Lowest acceptable of four (4) tender received. Funds provided in various Tire Services Accounts.

7. That a purchase order be issued to Moore Business Forms, Burlington, in the amount of \$10 490.85 for the printing of approximately 95 000 Realty Tax Notification Bills.

NOTE: Only supplier available. Funds provided in Office Supplies Account No. CH 56001 25335.

8. That permission be granted to the Canadian Cancer Society, Hamilton Unit, to use the City Hall forecourt, washroom facilities and equipment on Sunday, 1990 April 29 from 10:00 a.m. to 6:00 p.m. for the Annual Great Ride to Beat Cancer.
9. That approval be given to the request of the International Christian Bikers Association to use the City Hall forecourt and equipment on Saturday, 1990 May 5 at 11:00 a.m. for a proclamation ceremony in recognition of Motorcycle Awareness Month in Hamilton.
10. That the request of the Canadian Cancer Society for permission to use an area in the 1st floor foyer, City Hall to sell fresh daffodils during "Daffodil Days" on Thursday and Friday, 1990 April 5 and April 6, be approved.
11. That the request of the United Croats of Canada, Hamilton Branch to fly the Croatian Flag at City Hall during the week of 1990 April 6 to April 13 in recognition of the 49th Anniversary of Croatian Independence, be approved.

12. That approval be given to the request of St. John Ambulance to fly the St. John Flag at City Hall during the week of 1990 May 27 to June 2 to mark the declaration of "St. John Ambulance Week in Hamilton".
13. (a) That approval be given for three members of the Hamilton Status of Women Sub-Committee to attend the National Action Committee Annual General Meeting in Hull, Quebec from 1990 May 11-14.
- (b) That funds for the total expenditure of \$1 465 to attend this meeting be charged to Account No. CH 55201 82010, "Hamilton Status of Women Sub-Committee".
14. That the City exercise its option to renew the Agreement with Xerox, Hamilton, Canada, for the 9900 and 5090 photocopiers located in the Service Department, at an estimated cost of \$8 639 per month for the period ending 1992 December 31.
15. That the Mayor and a maximum of six (6) Aldermen be authorized to attend the 53rd Annual Conference of the Federation of Canadian Municipalities to be held in Quebec City 1990 June 3 to 6.

NOTE: The City of Hamilton is entitled to have seven (7) voting delegates at this Conference.

Members of City Council who would like to be considered as a delegate are asked to advise the Secretary of the Finance and Administration Committee.

16. That the Treasurer be authorized to make application to the Minister of Transportation for City of Hamilton 1990 Normal and Supplementary Applications for subsidy under the Public Transportation and Highway Improvement Act, as follows:

	<u>Total</u> <u>Expenditure</u> (1)	<u>Estimated</u> <u>Subsidizable</u> <u>Expenditure</u> (2)	<u>Subsidy</u> <u>Dollars</u> (3)
<u>Normal Application</u>			
Maintenance	\$ 9 587 460	\$ 8 932 250	\$ 4 466 125
Construction	5 989 940	3 971 750	1 985 875
	<u>15 577 400</u>	<u>12 904 000</u>	<u>6 452 000</u>

<u>Supplementary Application</u>			
Construction	8 538 230	4 578 200	2 289 100
Traffic Signal			
Modernization	<u>10 000</u>	<u>10 000</u>	<u>5 000</u>
	<u>8 548 230</u>	<u>4 588 200</u>	<u>2 294 100</u>
	<u>\$24 125 630</u>	<u>\$17 492 200</u>	<u>\$8 746 100</u>

Furthermore, that the Treasurer be authorized to petition the Minister for subsidy payments as necessary.

17. That the City's Share of Services to be installed in "Oakdale Estates - Phase 5, Hamilton" in the gross amount of \$45 148.64 be financed from the Reserve for City's Share of Services through Unsubdivided Lands.

NOTE: This project was approved by the Transport and Environment Committee at its meeting held 1990 March 5.

18. That the City's share of the cost of a feasibility study to determine commitment, sponsorship, participation and interest for an annual week long "Dutch Heritage and Cultural Festival" in the City with the inaugural festival to be held in June 1991, in the amount of \$10 000, be financed from within the Grant Account No. CH 5AXXX 20012.

NOTE: The proposal for a feasibility study from the Hamilton Holland Club was approved by City Council 1990 March 13. The total cost of the Hamilton Dutch Heritage and Cultural Festival Feasibility Study is \$40 000. Proposed cost sharing for the study includes HRT Consultants, Ministry of State, Netherlands Government and the City of Hamilton.

- \*19. That the Capital cost for the design and development of a recreational trail system and improvements to the Red Hill Creek Valley lands in a number of phases related to the construction of the North/South East/West Transportation Corridor at an estimated gross cost of \$4 430 000 be referred to the Council of the Regional Municipality of Hamilton-Wentworth for consideration and recommendation.

NOTE: At the Special Capital Budget Meeting on Saturday, 1990 February 17, the Finance and Administration Committee approved the Capital Project, Red Hill Creek Master Plan Implementation for inclusion in the 1990-1994 Capital Budget to be financed from the Reserve for Park Land Acquisition.

\* Section 19 referred back

However, in approving the project the Committee agreed that this was a project to be more properly dealt with by the Region. Consequently, the Committee agreed to forward a resolution to City Council to refer this capital cost to Regional Council for consideration and recommendation.

In the event Regional Council denies this request, the project will be brought back to the Finance and Administration Committee for further review.

- \*20. That the City's current selection policy be amended to permit the Municipal Non-Profit (Hamilton) Housing Corporation Board of Directors to interview candidates for the position of General Manager and submit its recommendation for appointment to the Finance and Administration Committee and City Council for approval.
- 21. That approval be given to the following wording for the plaque for the Day of Mourning sculpture to be erected upon the westerly portion of the City Hall grounds:

"Dedicated to those workers who have been killed  
or injured or who have suffered occupational  
illness at work.

1990 April 28"

NOTE: For the information of Members of City Council, the policy to govern and regulate the installation of commemorative plaques, memorials, monuments, time capsules and trees upon City Hall grounds require that the wording to be contained on any plaque shall be approved by the Finance and Administration Committee and City Council.

- 22. (a) That a civic reception be provided to the performers, dignitaries and special guests of the 16th Annual Hamilton International Air Show to be held at Hamilton Civic Airport 1990 June 16 and 17 at a cost not to exceed \$4 500.
- (b) That this expenditure be charged to Account No. CH 55314 84010, "Special Receptions and Dignitaries Hosting".

\* *Recorded vote, see page 2269*

23. (a) That the City of Hamilton host the Tournament Awards Banquet for the Ontario Bantam Hockey Championship on Saturday evening, 1990 April 7, at a cost not to exceed \$4 500.
- (b) That this expenditure be charged to Account No. CH 55314 84010, "Special Receptions and Dignitaries Hosting".
24. (a) That the City of Hamilton settle District Court Action No. 6954/87 by the payment of \$47 000 inclusive of all interest and costs to the Plaintiffs, Eugene Vernon Walsh and Myrtle Walsh.
- (b) That the Plaintiffs be required to sign a Release satisfactory to the City Solicitor and consent to the dismissal of the action upon payment of the settlement funds.
25. That Mayor Robert M. Morrow be authorized to issue a proclamation requesting citizens to observe a period of Daylight Savings Time for the current year commencing at 2:00 o'clock a.m. Sunday, April 1st and continuing until 2:00 o'clock a.m. Sunday, October 28.
26. (a) That approval be given to the action taken by the Finance and Administration Committee in providing a brunch for a total of 25 people at a cost of approximately \$800 on the occasion of the visit of Mr. Pizzola, President of the Parliament in Abruzzi, Italy.
- (b) That this expenditure be charged to "Special Receptions and Dignitaries Hosting", Account No. CH 55314 84010.
27. That due to a conflict of meeting schedules, Alderman John Smith replace Alderman Mary Kiss as the City appointee to the Symphony Hamilton Board of Directors for a term to expire with the term of Council.

28. For the information of the Members of City Council, the Finance and Administration Committee at its meeting held 1990 March 22 approved of the appointment of a Sub-Committee to receive the "Visible Minority Survey of Boards & Commissions" prepared by the Human Resources Centre to undertake the following:

- (a) Review the methodology and findings of the survey.
- (b) Review the current selection process and report their conclusions to the Finance and Administration Committee.

29. That leave be granted to introduce the following Bills:

- (a) Bill A-12 A By-law Respecting Development Charges.
- (b) Bill A-13 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 March 22  
/bc

\* REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its TENTH Report for 1990 and respectfully recommends:

1. That the report on the Ministry of Consumer and Commercial Relations' Discussion Paper on Charitable Gaming in Ontario, attached hereto as Appendix 'A', be approved.
2. That Mr. Bill Janssen be authorized to attend F.C.M.'s Big City Mayors' Caucus to be held in Vancouver, B.C. from Thursday 1990 March 29 to Saturday 1990 March 31 and that the cost of attending this conference be charged to the Unclassified Expenditure Account.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 March 27  
/bc

\* *Report added during Council*

**THE CITY OF HAMILTON'S  
RESPONSE TO THE MINISTRY'S DISCUSSION PAPER  
ON CHARITABLE GAMING IN ONTARIO**

**1. ELIGIBILITY**

**Provincial Proposal:**

SHOULD REQUIRE ORGANIZATION TO DEMONSTRATE A LICENCE TO CONDUCT EVENT IS "ADVANTAGEOUS TO THOSE IN NEED".

The City of Hamilton has always employed strict criteria with respect to the eligibility of organizations wishing to conduct bingo lotteries. The Hamilton-Wentworth Regional Police have played an integral role in Hamilton's licensing process. The City has also been made aware that the Ontario Law Reform Commission has recently commenced a study of the laws pertaining to charities and will be examining the status, legal form, sources and uses of revenue and supervision of charities. Among the specific issues to be canvassed are concerns about charitable fundraising activities. The study will be completed by May 30, 1990. The City shares your Ministry's concern about the issue of eligibility. This is, however, an extremely complex subject and should best be left for the Commission to review.

**The City of Hamilton recommends that this discussion point, while extremely important, be delayed until such time as this subject is reviewed by the Ontario Law Reform Commission.**

**CITY OF HAMILTON LICENSING COMMITTEE**  
**RESPONSE TO THE MINISTRY'S DISCUSSION PAPER**  
**ON CHARITABLE GAMING IN ONTARIO**

**1. ELIGIBILITY**

**Provincial Proposal:**

SHOULD REQUIRE ORGANIZATION TO DEMONSTRATE A LICENCE TO CONDUCT EVENT IS "ADVANTAGEOUS TO THOSE IN NEED".

The City of Hamilton has always employed strict criteria with respect to the eligibility of organizations wishing to conduct bingo lotteries. The Hamilton-Wentworth Regional Police have played an integral role in Hamilton's licensing process. The City has also been made aware that the Ontario Law Reform Commission has recently commenced a study of the laws pertaining to charities and will be examining the status, legal form, sources and uses of revenue and supervision of charities. Among the specific issues to be canvassed are concerns about charitable fundraising activities. The study will be completed by May 30, 1990. The City shares your Ministry's concern about the issue of eligibility. This is, however, an extremely complex subject and should best be left for the Commission to review.

The City of Hamilton recommends that this discussion point, while extremely important, be delayed until such time as this subject is reviewed by the Ontario Law Reform Commission.

2. LICENSING AUTHORITY

**Provincial Proposal:**

AUTHORITY SHOULD RESIDE WITH DIRECTOR OF LICENSING BRANCH. MUNICIPAL AUTHORITY REMAIN UNCHANGED. RECOGNIZE BAND COUNCIL AS APPROPRIATE LICENSING BODY ON RESERVE.

The City of Hamilton agrees that the present authoritative structure should reside with the Director of the Entertainment Standards Branch. It would also agree with the Ministry's view that the municipality should continue to play its role in the licensing and regulatory process.

3. BINGO - LICENCES

**Provincial Proposal:**

ADDRESS SPECIFIC PROHIBITION. REQUIRE MINIMUM OF ONE HOUR BETWEEN EVENTS.

The City of Hamilton currently requires one-half hour between bingo events and has enjoyed overwhelming success authorizing this time period between events. A one hour time period would result in many potential bingo players leaving the bingo hall after the first event. This would seriously undermine the potential market for the following sponsor's

bingo game. A one hour time period between events would also necessitate a later evening conclusion which the players do not want. Many bingo players rely on public transportation, however, this transportation is greatly reduced after 11:00 p.m. nightly. This would be a serious problem for the charities should the bingo event extend beyond this hour. It should also be noted that bingo events may not commence earlier than they already do as there is not sufficient time to adjust the early evening bingos due to the dinner hour. The City is also concerned that the volunteers with many organizations do not want to work beyond midnight.

**The City of Hamilton recommends that "one half hour" between events is sufficient to differentiate between one bingo event and the next event, provided that the following requirements are met:**

**The one half hour time period begins with the verification of the last bingo game of the first licensed bingo event and ends with the first number called of the first bingo game of the following charity's licensed event.**

**The use of different coloured paper for bingo card books between early and late bingo events would be required.**

**The sale of cards on the floor for the following licensed bingo event would be prohibited until the final bingo game is called for the first event and the numbers are verified.**

**Bingo sponsors would be required to have their own separate area for set up and sale of bingo cards for the early and late night games.**

4. CONFLICTS

**Provincial Proposal:**

SPECIFIC PROVISIONS TO DELINEATE MUNICIPAL AND BAND COUNCIL AUTHORITY AND RECOGNITION OF OVERRIDING PROVINCIAL AUTHORITY WHEN CONFLICTS OCCUR.

The City of Hamilton agrees with the concept of overriding Provincial authority when conflicts occur.

5. MUNICIPAL REPORTING

**Provincial Proposal:**

QUARTERLY STATISTICS IN LIEU OF LICENCES.

The City of Hamilton is attaching a copy of its computerized statistics (refer to end of report). This is a comprehensive system whereby the City reviews all organizations' financial reports which are submitted after each bingo event. This documentation has enabled us to monitor and, in fact, to analyze many aspects of bingo lotteries in the community.

If such information was provided to your Ministry by all municipalities, it could assist you in better understanding and responding to a variety of bingo issues.

The City of Hamilton concurs with the discussion paper and would be pleased to provide quarterly statistics to your Ministry in lieu of licences.

As a result of computer record summaries, the City is able to compare quarterly or yearly statistics as is shown in the following graph, which covers both 1988 and 1989. Many of its concerns which are addressed in other parts of this report can be referenced by comparing these two years.

#### **TOTAL BINGO LOTTERY STATISTICS**

**1988 - 1989**

<b>1988</b>		<b>1989</b>
<b>\$2,868,672.00</b> (24.49%)	<b>PROCEEDS</b>	<b>\$2,586,973.00</b> (20.30%)
<b>\$2,172,952.00</b> (18.55%)	<b>TOTAL ADMIN. EXPENSES</b>	<b>\$1,754,631.00</b> (13.77%)
<b>\$6,671,657.00</b> (56.96%)	<b>TOTAL PRIZES</b>	<b>\$8,405,051.00</b> (65.94%)
<b>\$11,712,782.00</b>	<b>GROSS RECEIPTS</b>	<b>\$12,746,657.00</b>
<b>2,236</b>	<b>NO. OF EVENTS</b>	<b>2,660</b>
<b>705,077</b>	<b>ATTENDANCE</b>	<b>704,729</b>
<b>84</b>	<b>NO. OF SPONSORS</b>	<b>120</b>

## 6. PRIZES

### **Provincial Proposal:**

MAXIMUM AND MINIMUMS TO BE SET AND DISCLOSED. PRIZE BOARDS NOT TO BE ALTERED WITHOUT LICENSING AUTHORITY APPROVAL.

Since the City of Hamilton began regulation of bingo lotteries in the early 1970s, the City of Hamilton has prohibited by by-law series bingos exceeding the \$3,500.00 municipal maximum. The City believes that a Province-wide maximum \$3,500.00 prize level would provide fair and balanced competition for all municipalities. However, due to the higher prize boards which are already entrenched in many municipalities, the City feels this is an unrealistic goal. It then becomes necessary and, in fact, desirable to have the flexibility to determine optimal prize boards in certain bingo time periods. This would stem the flow of many bingo players who leave the City to play bingo in neighbouring centres because of the higher prizes.

The reality is that Hamilton's charities must be either competitive or be willing to face the consequences of a static bingo market based on a dwindling number of players and decreasing profits.

The City of Hamilton also believes that all municipalities within close proximity of each other should be consulted and, in fact, should cooperate to ensure some stability in prize boards.

The City of Hamilton supports the view that the Province must maintain its provision for a maximum prize board under the Municipal Jurisdiction, ie. \$3,500.00. The Province should continue to regulate prize boards over \$3,500.00 with the municipality approving the initial lottery application.

7. EXPENSES

**Provincial Proposal:**

ALLOWABLE EXPENSES RESTRICTED AND ENUMERATED - REMAIN ACTUAL AND REASONABLE. LICENCE FEE EXCLUDED FROM CALCULATION OF 15% MAXIMUM. RENT AND PAPER CAPPED AT 12% OF GROSS REVENUES. NO SUBSIDY PERMITTED FROM GENERAL REVENUES, ALL EXPENSES MUST COME FROM SPECIFIC LICENSED EVENT.

It is unlikely that any hall can remain commercially viable relying on only one evening event. The successful hall must run at least 2 or more events daily to ensure profitability. Hall owners have not expressed any concern about this discussion point.

It is recognized that some organizations have difficulty in obtaining sufficient members to manage and conduct their event and must continue to hire hall workers and must pay them honorariums. These groups, however, are in the minority. As a result of the proposed capping at 12% for rent and paper expenses, the charities would then have either an

additional 3% profit or, if necessary, could pay additional administrative expenses such as honorariums or advertisements for their event.

The City of Hamilton, therefore, concurs with the allowable expenses restricted and enumerated to 15% maximum. It also agrees that rent and paper should be capped at 12% of gross revenues.

#### 8. PROFITS

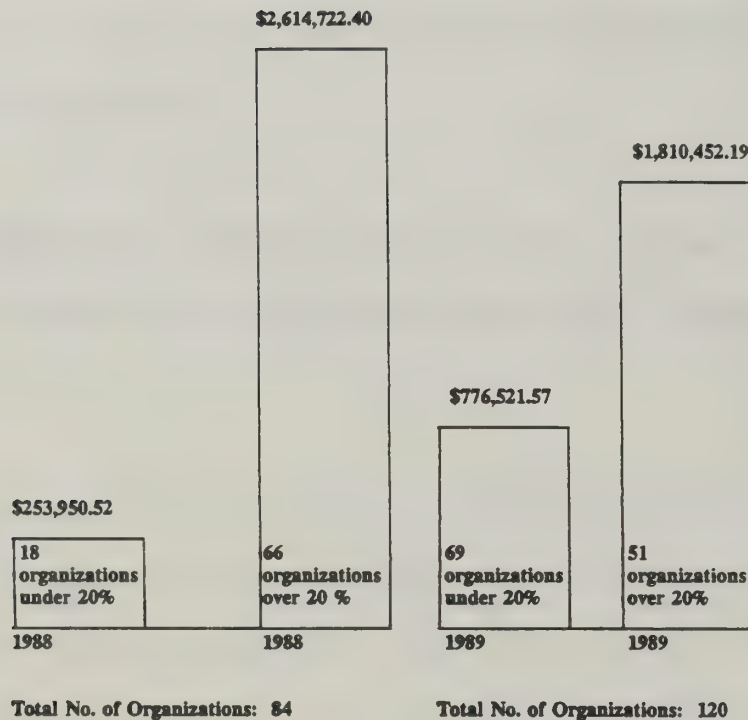
##### **Provincial Proposal:**

MINIMUM PROFIT TO REMAIN AT 20%.

If this Provincial discussion point had been discussed in 1988, the City of Hamilton could have easily supported an immediate enforcement of the 20% Regulation. The graph, however, on the following page, which illustrates total proceeds of organization under and over 20% profit for 1988 and 1989, presents an alarming picture.

## TOTAL PROCEEDS OF ORGANIZATIONS

UNDER AND OVER 20%



Up to the end of 1988, the number of charities was controlled by the Lottery Licence By-law. However, when the City was made aware of the Trymar case, which established that municipalities had no authority to restrict the number of bingo halls in a community or the number of organizations, the impact was immediate. During 1989, not only did the number of organizations involved in bingo increase by 43%, but a new bingo hall opened. These factors were to directly affect the bingo profits of the existing charities and compliance with the 20% Regulation.

In 1988, only 21% of 68 organizations were at profit levels under 20%. The City was confident at that time that most groups would likely achieve the 20% minimum. By

contrast, however, during 1989, 58% of the organizations were at profit levels under 20%. The City of Hamilton believes it is significant to note, however, that these organizations raised \$776,000.00 for their charities. It is quite apparent that Hamilton cannot support the total elimination of these charity dollars which would result from the compliance with the 20% Regulation. The City believes that the application of a 20% profit minimum would be arbitrary and premature at this time, bearing in mind the unfavourable market conditions.

As stated, the impact of the "Trymar" case has contributed to the recent and dramatic increase in the number of commercial bingo halls and licensed bingo events being held in Ontario. These conditions have contributed to market saturation of the bingo industry which is presently being experienced in Hamilton and elsewhere.

The effect of immediate enforcement of the 20% Regulation will mean the elimination of more than one-half of the Hamilton charities from the bingo market, will substantially increase bingo profits for a handful of privileged charities who have the prime time slots and hall locations, and will force hall closures and restrict the playing of bingo to one or two bingo halls.

The City believes that possible solutions can be developed which will establish optimal levels of profit based on the introduction of a specific prize boards for given time slots, and competitive card pricing.

In Hamilton, the success of existing licensed charities has also been based on hall locations. A recent hall closure will impact significantly as organizations are now forced to find other accommodation. The moratorium on bingo halls has in itself created an artificial market condition, which may result in further changes when it is lifted. As a result, the question of acceptable profit levels should only be reassessed following a levelling off period.

The City of Hamilton requires the flexibility to permit as many events in as many time periods as can be supported by the community and still meet acceptable profit levels. It realizes that there must be a "starting point" in this evolutionary process.

**The City of Hamilton recommends a two-year phase-in period for compliance with a 20% minimum profit level.**

This two-year time period would be based on the following timetable:

- (a) **Commencing one year from the date of enactment of the new legislation, all charitable organizations must comply with a minimum profit level of 15%. The method of calculation of this minimum profit level will be based on the average net proceeds covering the duration of the licence.**
- (b) **Six months prior to the two-year deadline, it is recommended that the Province then consult with the municipalities with regard to ensuring the appropriateness of the 20%.**

The City suggests that an initial one year period would be reasonable and fair to all charities and hall operators and would provide sufficient time for the organizations to achieve the minimum 15% profit level. During the second year, refinements can be made to prize boards and card pricing to maximize the number of charities reaching or exceeding the 20% minimum profit level. Any group not meeting this objective would no longer be eligible for a bingo licence.

## 9. PRIORITY

### **Provincial Proposal:**

PRIORITY OF EXPENDITURES OF GROSS REVENUES ESTABLISHED WITH CHARITABLE PROFIT TAKING PRECEDENCE OVER COMMERCIAL EXPENSES.

It has been the policy of bingo hall owners in Hamilton that no bingo organization takes home less money than the hall owner. The goodwill of hall owners, while admirable, has no legal basis. It is obvious that some regulation is necessary in this regard. The City realizes that it is discussing an activity which is contrary to the Criminal Code of Canada and only by virtue of exemptions under the Code, are charitable gaming activities able to be conducted. However, if one believes that the conducting of bingo by charities provides no guarantee of profit, charities must enter the market with the realization that there is risk involved.

With the City's recommendation pertaining to the initial one year period and attaining a minimum 15% minimum profit level, the City of Hamilton does not consider that the issue of priority will be of concern. During this first year, however, it is recognized that there may be occasions when organizations cannot attain the minimum profit level.

The City of Hamilton recommends that in the event the 15% profit level during the first year period cannot be achieved as a minimum requirement, the proceeds be split 50/50 between the charity's expenses and its profits.

10. VOLUNTEERS - CHARITABLE ORGANIZATIONS

**Provincial Proposal:**

BONA FIDE MEMBER REQUIREMENT RESTRICTED TO THREE MAIN POSITIONS:

- A) EVENT CHAIRPERSON
- B) EVENT TREASURER/CASHIER
- C) VERIFIER/RECORDER

CHARITY TO RETAIN AND EXERCISE CONTROL OVER GAMING EVENT.

The City of Hamilton agrees that the above bona fide members are the three main positions.

It has, however, become apparent that other positions such as sellers and runners are also very important. Hamilton believes that volunteer members are best able to ensure that the interests of the organization are put first and that only as a last resort should paid help be sought. The City all too frequently receives complaints from the players of irregularities with respect to the conduct of the bingo event and most of these involve "paid (former hall) workers". It is the City's experience that the best run and most profitable organizations are those which do not rely on "paid workers".

Only a small proportion of Hamilton's charities have a problem obtaining sufficient members. Organizations such as the Stroke Recovery, the Canadian Foundation of Ileitis and Colitis, the Lupus Society and the Arthritis Society, many of whose members suffer with the disease, have difficulty in regular attendance at bingo events. It should also be noted that the City has identified at least 15 former hall employees who have now "joined" organizations to comply with the membership requirement. Some of these persons belong to 15 to 20 groups. This is clearly not the intent of the present legislation.

**The City of Hamilton, therefore, recommends that provision be made for organizations requiring "paid workers" and that a formal application be required for this purpose.**

Notwithstanding this recommendation, the City would ask that the Ministry in its new regulations stress the importance of using volunteers.

## 11. HONORARIUMS

### **Provincial Proposal:**

**RAISED TO \$15.00/PERSON/EVENT.**

The City of Hamilton believes in the true "spirit" of volunteerism. The City is not of the opinion that organizations should be encouraged to pay honorariums to their volunteers and regulation in this area should be limited to and only for the benefit of organizations unable to obtain volunteer members. Prior to compliance with the 15% Administrative Expense Law, it was usual to see financial reports with \$120.00 - \$160.00 honorarium expenses. Currently, however, only the necessary payment to hall callers of \$40.00 per event is being made. With your Ministry's recommendation regarding expenses being capped at 12% for Hall Rent and Paper, the remaining 3% can be utilized for necessary honorarium expenses. However, as mentioned previously, if volunteerism is stressed, the City suggests that the majority, if not all of the 3%, will directly benefit the charity.

**The City of Hamilton recommends that the \$8.00 honorarium now provided for in the regulations is far below minimum wage for approximately 3 hours' work per bingo event and should be increased to the more appropriate \$15.00 level.**

**12. PAID WORKERS**

**Provincial Proposal:**

NON-MEMBERS PERMITTED AS RUNNER/SELLERS FOR BINGO.  
BLACKJACK DEALERS AND PIT BOSS FOR MONTE CARLO. FEES  
SET AND TO BE INCLUDED IN MAXIMUM PERMITTED CALCULATIONS.

As previously stated, there is a necessity for some organizations to use "paid workers".

The City of Hamilton recommends that there be a provision for "paid workers" and that organizations who need assistance be required to make formal application for consideration.

**13. RESTRICTION ON LICENCES**

**Provincial Proposal:**

PROVINCE MAY DENY IN PUBLIC INTEREST MUNICIPAL/BAND COUNCIL  
MAY DENY IN BEST INTERESTS OF COMMUNITY.

While there is no longer any reference for authority to deny licences for market conditions or profitability, Hamilton believes that there may be circumstances when some authority

to regulate the number of licences in a given community or geographical area would be desirable.

The City of Hamilton recommends that consideration should be given to enactment of enabling legislation which would give municipalities the authority to limit the number of organizations.

While this recommendation could be considered to be a restriction on private sector initiatives, unrestricted numbers of licences have severely damaged many organization's profits.

#### 14. PARTICIPANTS IN LICENSED GAMING: COMMERCIAL SECTOR

##### **Provincial Proposal:**

PROVINCIAL LEGISLATION WHICH WILL REQUIRE ALL COMMERCIAL OPERATORS, SUPPLIERS, WORKERS, AND FACILITIES TO BE LICENSED. REGULATIONS BASED ON NORMAL BUSINESS PRACTICES BUT ALSO RECOGNIZING UNIQUE POSITION OF CHARITABLE LICENSEE AND PROHIBITIONS OF CRIMINAL LAW. REGULATORS WILL HAVE ACCESS TO BOOKS OF ACCOUNT AND BANKING RECORDS. REGISTRATION AND LICENSING TO REST EXCLUSIVELY WITH PROVINCE.

**The City of Hamilton concurs with the Ministry's discussion point that some regulation over bingo hall owners would be desirable and that this authority should rest exclusively with the Province.**

Another area of concern involving the commercial sector has been identified by many charity workers, municipal inspectors and players who complain of smoke filled bingo premises. Public Health Officials have also received complaints and have investigated and suggested improvements in several bingo halls. This problem is becoming an increasingly important issue. Hall owners could be faced with additional costs to improve air quality and the City would suggest that compliance with any new regulation follow one year from the date of enactment of the legislation.

**The City of Hamilton recommends that a provision be made for improvement of ventilation in bingo halls.**

**15. CHARITABLE ADVISORY BODY**

**Provincial Proposal:**

CONSIDERATION BE GIVEN TO AN OUTSIDE BODY TO GIVE ADVICE TO GOVERNMENT ON ALL RELATED ISSUES. ADVISORY CAPACITY COULD BE EXPANDED TO INCLUDE ACTUAL RESPONSIBILITY FOR LICENSING, INTERPRETATIONS, MARKET PLACE CONTROLS AND ELIGIBILITY.

The City of Hamilton believes that there are many issues which not only affect the City, but are also being experienced by many other municipalities throughout the Province. A charitable advisory body containing a cross-section of various interests working towards improvements in charitable gaming is greatly encouraged by the City.

The City of Hamilton concurs with the Ministry's discussion proposal for a charitable advisory body.

#### **ADDITIONAL LICENCE COMMITTEE CONCERNS**

The City of Hamilton in early 1989 gave approval to a recommendation to examine the advisability of regulating bingo on a region-wide basis. The City has recognized that there are important factors which can have an adverse impact on market conditions within its municipality, as a result of bingo operations in neighbouring jurisdictions. Lottery licensing on a region-wide basis would ensure greater stability to the bingo market within its geographical area.

#### **HAMILTON-BASED ORGANIZATIONS (relates to ELIGIBILITY)**

The City of Hamilton has established the criteria that the only "Hamilton-based" organizations may make application for a bingo sponsor's licence. This means that the actual location of the charity must be within the City of Hamilton. There is no municipal criteria as to who may be a member of these organizations. In fact, many organizations' membership base consist of persons who reside outside the City, but who most likely live

within the Regional Municipality of Hamilton-Wentworth. Although the City monitors the flow of bingo proceeds, it should be noted that a large percentage of these proceeds flow freely into other neighbouring municipalities and may be used outside the City of Hamilton for various charitable causes. Many of the bingo sponsors who have parent organizations are required to send some of the bingo proceeds to the parent body, often outside of the City.

Within the geographical area of the Regional Municipality of Hamilton-Wentworth only two of the six municipalities have bingo halls, namely Stoney Creek and Hamilton. Dundas, Ancaster, Flamborough and Glanbrook have no bingo facilities at present. As a result of the opening of the Stoney Creek Centennial Bingo Hall in the Spring of 1988, it is our department's belief that the opening of another hall in one of the four remaining municipalities would further undermine the profitability of Hamilton's bingo sponsors.

The following policy was established in City of Stoney Creek: that organizations based in Stoney Creek would be given the first right to the issuance of a bingo lottery licence. Other organizations that were not based in Stoney Creek were then given licences on the understanding that they would be allowed to continue as long as Stoney Creek-based organizations were given priority over those organizations from other municipalities. Approximately 50% of the organizations conducting bingo in the Stoney Creek facility are Hamilton-based organizations. Hamilton is not suggesting that this is wrong, but are merely pointing out that one cannot look at another municipality's bingo industry in isolation as there are many factors which contribute to the success of a bingo lottery event and over which the City has no control.

As mentioned previously, Hamilton will only license an organization which is permanently located within the City of Hamilton. The City believes that it is necessary to clarify the term "for the betterment of the inhabitants of the municipality". Over the years, the City has been approached by many organizations in the Region as to the availability of licences and have been refused. They believe it is absurd to refuse an organization just because their organization was located in another jurisdiction when, in fact, the largest portion of their membership base are residents of the City of Hamilton. The converse is also true. There are also some who say that money raised by Hamilton charities from Hamilton bingo players should remain in Hamilton.

In certain instances, Hamilton believes that the Province should recognize the effect of the geographical proximity of bingo halls to one another and their impact on charitable fund raising in other municipalities. The establishment of new bingo halls has, no doubt, had a profound effect on fund raising throughout Ontario.

For example, in Hamilton, the conduct of bingo lottery is directly affected by bingo lotteries that are conducted in Burlington, Brantford and Stoney Creek. There has been a detrimental effect to Hamilton charities as a result of higher prize boards in Burlington and Brantford. A substantial number of bingo players indicate that they have been enticed to these centres because of the higher prize board.

Over the last two years, Hamilton's bingo industry has been going through a transition. This has been caused by the opening and closing of bingo halls, the creation of new time slots, the new bingo hall opening in Stoney Creek and, of course, the recent moratorium

on bingo halls. In Hamilton, there appears to be too many commercial bingo halls as evidenced by the low returns some charities are achieving. Only when there is a levelling off of existing bingo halls, can the City's attention be focused on other issues which includes the feasibility of higher prize boards. The City does not believe that prize boards should be raised automatically. Perhaps higher prize boards could be introduced on an experimental basis with bingo sponsors who are financially successful.

The City of Hamilton Licensing Committee has established a policy of gradual integration for the introduction of any new changes in the operation of bingo. An example is the monitoring of new bingo event or game formats. Late evening bingo was first introduced on a Saturday evening, the most profitable time period, followed by Friday night, then Sunday evening and finally to Thursday evening, Wednesday evening, etc., until a full late evening bingo format was established. This same process was tried in another bingo hall and it was determined that only Friday and Saturday nights could be successful. Hamilton has taken this cautious approach in order to maximize the success of bingo in the community.

The same, the City believes, will hold true for increased prize boards. Hamilton has the capability of monitoring the bingo market because we have sufficient staff and computerized records to quickly respond to the effect of the upward or downward movement of the prize boards. Obviously, the net proceeds derived by the charity would dictate the success or failure of a prize board.

Many organizations have questioned the municipality as to what they could do with their bingo proceeds. For example, can they retain this revenue in a bingo lottery trust account for a major project which they have in the future? Can bingo proceeds be channelled to other charities? Can bingo proceeds be forwarded to parent organizations?

Maximizing the bingo market in a municipality is a delicate balance between proper pricing, game formats, prize boards, bingo event time periods, location, number of players, spending and other market conditions. In Hamilton, due to the tremendous increase in the number of bingo events during the last 18 months and the opening of new halls, it has become very evident that more organizations could be supported following the uncapping of licences. There is, however, a limit to these increasing numbers of bingo lottery events. The moratorium on bingo halls, which the City believes has had a desirable effect in the short term, needs to be lifted and the market should once again be allowed to dictate.

## **CARNIVAL BINGO**

While Hamilton shares your concern about the practice of Carnival or "Share The Wealth" bingo prize boards, it is being successfully employed in certain time periods. The City believes that a careful analysis of the bingo records of the "net proceeds derived" from the statistics of previous years will allow both the organization and the City to properly fix prize boards in advance.

## **BINGO RULES - POSTING IN HALLS**

The public, organization members and hall management continually call staff for clarification of bingo rules and regulations. The posting of clear and concise rules in all bingo halls would alleviate any questions.

## **INSTRUCTION - OPERATION OF BINGO LOTTERIES**

Many volunteers particularly those who have entered bingo recently would like the opportunity of further instruction in all facets of bingo including by-law requirements, terms and conditions and individual responsibilities.

NAME OF ORGANIZATION	PREMISES	YR/MT/PLAYERS	GROSS	PRIZES	PER. 1	RENT	SUPPLIES	ADVERT.	HONOR	SECUR.	LIC.FEE	OTHER	T. ADMIN.	PER. 2	PROCEEDS	PER. 3	A/S
ADVENT ANGLICAN CHURCH		5,460	\$116,513.00	\$69,663.00	59.70%	\$6,564.00	\$1,950.00	\$0.00	\$1,120.00	\$0.00	\$1,730.00	\$0.00	\$117,364.00	14.90%	\$29,486.00	25.31%	\$21.34
AMATEUR WRESTLING CLUB		5,592	\$98,333.50	\$80,293.00	81.63%	\$5,064.15	\$2,820.00	\$0.00	\$920.00	\$0.00	\$1,610.00	\$0.00	\$10,414.15	10.59%	\$7,656.35	7.76%	\$17.59
ANNUALING OF OUR LORD		8,862	\$153,733.50	\$87,623.00	57.00%	\$20,649.00	\$0.00	\$0.00	\$640.00	\$0.00	\$1,750.00	\$0.00	\$23,039.00	14.99%	\$43,071.50	28.07%	\$17.35
ARTHRITIS SOCIETY		3,255	\$67,507.50	\$52,144.00	77.24%	\$6,291.55	\$373.00	\$0.00	\$600.00	\$0.00	\$1,050.00	(\$111.60)	\$8,202.95	12.15%	\$7,160.55	10.61%	\$20.74
ASSUMPTION OF THE B.V.M.		7,305	\$129,869.25	\$85,727.00	66.01%	\$15,443.00	\$350.00	\$0.00	\$920.00	\$0.00	\$1,760.00	\$0.00	\$18,473.00	14.22%	\$25,669.25	19.77%	\$17.78
BLESSED SACRAMENT CHURCH		1,504	\$31,339.50	\$24,525.00	78.26%	\$2,998.53	\$0.00	\$0.00	\$280.00	\$0.00	\$490.00	(\$311.20)	\$3,457.33	11.03%	\$3,357.17	10.71%	\$20.84
BLESSED TRINITY CHURCH		5,167	\$109,863.50	\$66,280.00	60.37%	\$6,212.00	\$1,243.00	\$0.00	\$1,080.00	\$0.00	\$1,730.00	\$0.00	\$16,265.00	14.80%	\$27,318.50	24.87%	\$21.26
BOYS & GIRLS CLUB OF ONTARIO		3,637	\$67,438.00	\$65,575.50	97.24%	\$370.00	\$1,435.00	\$0.00	\$842.00	\$0.00	\$1,320.00	(\$17.75)	\$3,949.25	5.86%	\$2,086.75	-3.09%	\$18.54
B'NAI BRITH 2169		5,867	\$110,347.00	\$83,823.00	75.96%	\$8,160.55	\$2,412.00	\$0.00	\$960.00	\$0.00	\$1,680.00	\$41.50	\$13,254.05	12.01%	\$13,269.95	12.03%	\$18.51
B'NAI BRITH # 886		3,089	\$52,158.50	\$38,575.00	73.96%	\$3,008.00	\$2,345.00	\$0.00	\$440.00	\$0.00	\$770.00	\$0.00	\$6,540.00	12.58%	\$7,020.50	13.46%	\$18.60
CANADIAN MAPLE HONEY		1,833	\$34,450.00	\$34,997.00	101.59%	\$0.00	\$586.00	\$0.00	\$416.00	\$0.00	\$700.00	\$45.70	\$1,161.70	3.37%	\$1,108.70	-4.96%	\$18.79
CAUSA GAMES		2,984	\$51,436.00	\$31,551.00	61.34%	\$5,909.00	\$586.00	\$0.00	\$360.00	\$0.00	\$630.00	\$0.00	\$7,485.00	14.55%	\$12,400.00	24.11%	\$17.61
CART-CAN FESTIVAL		2,394	\$47,515.25	\$41,912.00	88.21%	\$1,924.00	\$1,256.88	\$0.00	\$448.00	\$0.00	\$840.00	\$0.00	\$6,132.05	10.84%	\$1,884.95	8.63%	\$0.17
CARNATION FISH FOUNDATION		2,870	\$56,582.00	\$45,565.00	80.53%	\$4,702.05	\$0.00	\$0.00	\$520.00	\$0.00	\$910.00	\$0.00	\$330.00	3.64%	\$1,802.00	-19.88%	\$17.78
CATCH AS CATCH CAN WRESTLING		6,594	\$113,861.00	\$91,186.00	80.09%	\$3,981.00	\$3,515.00	\$0.00	\$1,008.00	\$0.00	\$1,680.00	(\$48.75)	\$10,135.25	8.90%	\$12,539.75	11.01%	\$17.27
CATHEDRAL OF CHRIST THE KING		7,029	\$123,738.50	\$73,607.00	60.17%	\$16,023.00	\$0.00	\$0.00	\$80.00	\$0.00	\$60.00	\$0.00	\$17,968.10	14.57%	\$12,422.50	24.86%	\$0.14
CATHOLIC WOMEN'S LEAGUE		2,850	\$59,220.00	\$45,579.00	76.97%	\$5,765.44	\$0.00	\$0.00	\$320.00	\$0.00	\$910.00	(\$11.50)	\$7,183.94	12.13%	\$6,457.06	10.90%	\$20.76
CON. FOUNDATION FOR ILEITIS		4,404	\$81,026.00	\$57,636.00	71.13%	\$8,591.00	\$0.00	\$0.00	\$510.00	\$0.00	\$1,400.00	\$6.80	\$10,507.80	12.97%	\$12,882.20	15.90%	\$18.40
CON SERVICES EAST KIWANIS		4,801	\$91,187.50	\$83,342.00	91.40%	\$1,940.00	\$2,205.00	\$0.00	\$1,270.00	\$0.00	\$1,680.00	\$0.00	\$7,095.00	7.78%	\$7,50.50	0.82%	\$18.99
CONQUEROR 11		6,091	\$123,178.35	\$91,052.00	73.92%	\$9,888.00	\$2,897.00	\$0.00	\$1,640.00	\$0.00	\$1,820.00	(\$264.47)	\$15,980.53	12.97%	\$16,145.82	13.11%	\$20.22
CROATIAN NATIONAL HOME		8,143	\$145,823.50	\$80,615.00	55.26%	\$19,500.68	\$3.50	\$0.00	\$38.00	\$0.00	\$1,610.00	\$0.00	\$22,052.18	15.12%	\$43,158.32	29.59%	\$17.91
EAST MOUNTAIN BASEBALL		6,538	\$111,520.75	\$80,420.00	72.11%	\$7,650.23	\$3,477.00	\$0.00	\$240.00	\$0.00	\$420.00	\$0.00	\$13,624.23	12.22%	\$17,476.52	15.67%	\$17.06
ELIZABETH FRY SOCIETY		4,056	\$83,172.50	\$66,422.50	79.86%	\$5,288.53	\$1,679.00	\$0.00	\$456.00	\$0.00	\$1,330.00	\$0.00	\$8,753.53	10.52%	\$7,996.47	9.61%	\$20.51
EMERGENCY SHELTER FOUNDATION		701	\$14,576.00	\$10,506.00	72.08%	\$1,856.41	\$0.00	\$0.00	\$120.00	\$0.00	\$210.00	\$0.00	\$2,186.41	15.00%	\$1,883.59	12.97%	\$20.79
GOOD SHEPHERD CENTRE		6,071	\$119,328.25	\$87,201.00	73.08%	\$7,966.00	\$6,051.35	\$0.00	\$1,364.00	\$0.00	\$1,750.00	\$0.00	\$17,139.35	14.36%	\$14,995.90	12.57%	\$19.66
G.R. FORCE GROUP HOMES INC.		2,813	\$59,800.00	\$49,082.00	82.08%	\$5,659.74	\$0.00	\$0.00	\$560.00	\$0.00	\$980.00	\$0.00	\$7,199.74	12.04%	\$13,518.26	5.88%	\$21.26
HAM & REGION ARTS COUNCIL		4,884	\$103,304.50	\$73,544.00	71.19%	\$11,990.31	\$0.00	\$0.00	\$840.00	\$0.00	\$1,470.00	\$0.00	\$14,300.31	13.84%	\$15,460.19	14.97%	\$21.15
HAMILTON ACCORDION ORCHESTRA		6,022	\$120,124.80	\$80,466.00	66.95%	\$8,857.00	\$5,888.00	\$0.00	\$1,512.00	\$0.00	\$1,400.00	\$0.00	\$17,867.00	14.87%	\$21,791.80	18.14%	\$19.95
HAMILTON AQUATIC WATER POLO		5,882	\$99,281.50	\$70,275.00	70.76%	\$7,785.00	\$3,621.00	\$0.00	\$764.00	\$0.00	\$1,600.00	\$0.00	\$13,570.00	13.67%	\$15,436.50	15.55%	\$16.88
HAMILTON ARTISTS INC.		7,554	\$139,791.50	\$91,074.00	65.15%	\$17,880.00	\$0.00	\$0.00	\$1,040.00	\$0.00	\$1,820.00	\$0.00	\$20,748.00	14.84%	\$27,989.50	20.01%	\$18.21
HAMILTON BASEBALL ASSOC		4,241	\$79,694.50	\$68,061.00	85.40%	\$2,874.00	\$2,588.00	\$0.00	\$932.00	\$0.00	\$1,360.00	\$0.00	\$7,754.00	9.73%	\$3,879.50	4.87%	\$18.38
HAMILTON CENTRAL BOYS & GIRLS		4,740	\$82,397.00	\$66,592.00	80.82%	\$2,671.00	\$3,005.00	\$0.00	\$760.00	\$0.00	\$1,330.00	\$0.00	\$7,766.00	9.43%	\$8,039.00	9.71%	\$17.32
HAMILTON CENTRAL LIONS CLUB		6,236	\$126,738.05	\$90,985.00	71.79%	\$8,520.25	\$6,012.00	\$0.00	\$1,136.00	\$0.00	\$1,820.00	\$0.00	\$17,488.25	13.80%	\$18,264.80	14.41%	\$20.37
HAMILTON CREATIVE ARTS INC.		6,765	\$114,028.00	\$84,118.00	73.77%	\$5,500.70	\$4,631.00	\$0.00	\$936.00	\$0.00	\$1,680.00	\$0.00	\$12,747.70	11.18%	\$17,162.30	15.05%	\$16.06
HAMILTON GYMNASIUMS ACADEMY		2,377	\$43,658.00	\$42,052.00	96.32%	\$821.30	\$0.00	\$0.00	\$480.00	\$0.00	\$840.00	\$0.00	\$2,141.30	4.90%	(\$535.30)	-1.23%	\$18.37
HAMILTON HOPPERS		6,559	\$115,488.00	\$91,141.00	78.92%	\$4,498.00	\$3,590.00	\$0.00	\$960.00	\$0.00	\$1,820.00	\$0.00	\$10,868.00	9.41%	\$13,479.00	11.67%	\$17.61
HAMILTON HURRICANES		250	\$3,505.00	\$3,507.00	100.06%	\$0.00	\$3.50	\$0.00	\$40.00	\$0.00	\$70.00	\$0.00	\$213.50	6.09%	(\$215.50)	-6.15%	\$14.02
HAMILTON JEWISH COMMUNAL PROJ		9,531	\$161,224.50	\$91,216.00	56.58%	\$21,313.00	\$0.00	\$0.00	\$1,040.00	\$0.00	\$1,820.00	\$0.00	\$24,173.00	14.99%	\$45,835.50	28.43%	\$16.92
HAMILTON KILTY HOCKEY CLUB		3,768	\$70,004.00	\$49,162.00	70.23%	\$7,879.00	\$20.00	\$0.00	\$560.00	\$0.00	\$980.00	(\$148.00)	\$9,291.00	13.27%	\$11,551.00	16.50%	\$18.58
HAMILTON LACROSSE ASSOC.		6,665	\$11,975.50	\$7,005.00	58.49%	\$1,574.00	\$0.00	\$0.00	\$80.00	\$0.00	\$140.00	\$0.00	\$1,794.00	14.98%	\$3,176.50	26.52%	\$18.01
HAMILTON NATURALISTS CLUB		6,566	\$113,558.00	\$87,602.00	77.14%	\$6,148.00	\$3,620.00	\$0.00	\$1,008.00	\$0.00	\$1,750.00	\$1.50	\$12,527.50	11.03%	\$13,428.50	11.83%	\$17.29
HAMILTON OLD BOYS FOOTBALL		6,602	\$133,271.95	\$90,878.00	68.19%	\$9,784.50	\$6,763.67	\$0.00	\$40.00	\$0.00	\$1,820.00	\$0.00	\$17,937.41	13.46%	\$24,456.54	18.35%	\$20.19
HAMILTON OLYMPIC CLUB		8,457	\$145,249.00	\$87,690.00	60.37%	\$19,141.00	\$6,116.60	\$0.00	\$884.00	\$0.00	\$1,750.00	\$0.00	\$21,775.00	14.99%	\$35,784.00	24.64%	\$17.18
HAMILTON SPARTA SPORTS CLUB		6,145	\$124,577.20	\$87,236.00	70.03%	\$8,795.00	\$6,116.60	\$0.00	\$1,440.00	\$0.00	\$1,750.00	\$0.00	\$18,101.60	14.53%	\$19,239.60	15.44%	\$20.27
HAMILTON STROKE RECOVERY		4,551	\$96,240.50	\$70,100.00	72.84%	\$10,857.45	\$0.00	\$0.00	\$760.00	\$0.00	\$1,400.00	\$40.00	\$13,057.45	13.57%	\$13,083.05	13.59%	\$21.15
HAMILTON THEATRE INC		8,848	\$159,636.25	\$87,608.00	54.88%	\$20,908.00	\$257.00	\$0.00	\$1,024.00	\$0.00	\$1,750.00	\$0.00	\$23,939.00	15.00%	\$48,089.25	30.12%	\$18.04
HAMILTON-MONT AQUATIC CLUB		3,077	\$64,989.50	\$51,511.00	79.26%	\$5,555.57	\$0.00	\$0.00	\$600.00	\$0.00	\$1,050.00	\$0.00	\$7,205.57	11.09%	\$6,272.93	9.65%	\$21.12
HEMPHILLIA ONTARIO		1,405	\$30,048.50	\$24,530.00	81.63%	\$2,411.95	\$0.00	\$0.00	\$280.00	\$0.00	\$490.00	\$0.00	\$3,181.95	10.59%	\$2,376.55	7.76%	\$21.39
HENDERSON HOSPITAL		4,038	\$95,533.91	\$63,300.00	66.26%	\$11,761.00	\$0.00	\$0.00	\$920.00	\$0.00	\$1,610.00	\$0.00	\$14,291.00	14.96%	\$17,942.91	22.35%	\$23.68
HOLY FAMILY PARISH		8,170	\$144,882.00	\$91,192.00	62.94%	\$18,855.00	\$0.00	\$0.00	\$640.00	\$0.00	\$1,820.00	\$0.00	\$21,315.00	14.71%	\$32,375.00	22.35%	\$17.29
HOLY SPIRIT UNR CHURCH		11,100	\$181,940.00	\$91,377.00	50.22%	\$25,044.00	\$0.00	\$0.00	\$416.00	\$0.00	\$1,820.00	\$0.00	\$27,280.00	14.99%	\$63,283.00	34.76%	\$16.39
HOLY TRINITY POLISH CHURCH		9,480	\$158,455.50	\$91,221.00	57.57%	\$20,899.00	\$0.00	\$0.00	\$1,040.00	\$0.00	\$1,820.00	\$0.00	\$23,759.00	14.99%	\$43,475.50	27.44%	\$16.21
H.W.R. SPORTS		7,826	\$141,935.00	\$87,593.00	61.71%	\$18,366.85	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$21,116.85	14.88%	\$33,225.15	23.41%	\$18.14
INTERNATIONAL ROLLER SKATING		535	\$9,126.50	\$7,010.00	76.81%	\$752.00	\$0.00	\$0.00	\$80.00	\$0.00	\$1,400.00	\$3.50	\$975.50	10.69%	\$1,141.00	12.50%	\$17.90
JEWISH COMMUNAL PROJECTS		9,584	\$165,209.00	\$87,862.00	53.18%	\$21,722.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$24,475.00	14.81%	\$52,875.00	32.00%	\$17.21
JR CHAIWA		3,643	\$80,494.50	\$69,080.00	85.82%	\$5,291.07	\$0.00	\$0.00	\$840.00	\$0.00	\$1,470.00	\$0.00	\$7,601.07	9.44%	\$3,813.43	4.74%	\$22.10
KIDNEY FOUNDATION		6,453	\$130,841.80	\$87,586.75	66.94%	\$9,615.00	\$6,395.00	\$0.00	\$1,417.00	\$0.00	\$1,750.00	\$0.00	\$19,177.00	14.66%	\$24,078.05	18.40%	\$20.28
KIWANIS CLUB OF HAMILTON																	

NAME OF ORGANIZATION	PREMISES	VR/MT/DOLAYERS	GROSS	PRIZES	PER. 1	RENT	SUPPLIES	ADVERT.	HONOR	SECUR.	LIC.FEE	OTHER	T. ADMIN.	PER. 2	PROCEEDS	PER. 3	A/S/P
KNIGHTS OF COLUMBUS 5860		8,339	\$142,717.50	\$87,598.00	61.38%	\$18,590.00	\$0.00	\$0.00	\$640.00	\$0.00	\$1,750.00	\$0.00	\$20,980.00	14.70%	\$34,139.50	23.92%	\$17.11
KNIGHTS OF COLUMBUS 6579		7,795	\$137,934.00	\$84,092.00	60.97%	\$18,272.90	\$0.00	\$0.00	\$600.00	\$0.00	\$1,680.00	\$0.00	\$20,512.90	14.87%	\$33,329.10	24.16%	\$17.70
KNIGHTS OF COLUMBUS 8380		5,301	\$108,247.55	\$70,156.00	64.81%	\$13,362.15	\$0.00	\$0.00	\$880.00	\$0.00	\$1,540.00	\$0.00	\$15,782.15	14.58%	\$22,309.40	20.61%	\$20.42
KNIGHTS OF COLUMBUS 8984		4,198	\$92,503.50	\$61,486.00	74.54%	\$8,107.00	\$150.00	\$0.00	\$555.00	\$0.00	\$1,400.00	\$0.00	\$10,212.00	12.38%	\$10,805.50	13.10%	\$19.65
K-CARE NURSING HOMES INC.		4,882	\$100,238.00	\$83,651.00	83.45%	\$4,203.90	\$2,970.00	\$0.00	\$1,184.00	\$0.00	\$1,680.00	\$10.00	\$10,047.90	10.02%	\$6,539.10	6.52%	\$20.53
LINDA ALEXANDER COMMUNITY		6,073	\$124,555.60	\$87,328.50	70.11%	\$9,150.00	\$5,432.00	\$0.00	\$1,120.00	\$0.00	\$1,750.00	\$0.00	\$17,271.00	13.87%	\$19,956.10	16.02%	\$20.51
LIONS CLUB OF HAMILTON EAST		5,422	\$116,482.00	\$72,146.00	61.94%	\$14,683.60	\$0.00	\$0.00	\$920.00	\$0.00	\$1,610.00	\$0.00	\$17,213.60	14.78%	\$27,122.40	23.28%	\$21.48
LURUS SOCIETY		7,740	\$131,430.50	\$87,599.00	66.65%	\$16,693.00	\$0.00	\$0.00	\$1,192.00	\$0.00	\$1,750.00	\$0.00	\$20,500.40	14.75%	\$30,845.60	23.20%	\$16.98
MCCORMICKS BOXING CLUB		7,626	\$138,945.00	\$87,599.00	63.05%	\$17,774.40	\$0.00	\$0.00	\$976.00	\$0.00	\$1,750.00	\$0.00	\$20,500.40	14.75%	\$30,845.60	23.20%	\$16.98
MOUNTAINVIEW RESIDENTS		7,469	\$126,850.50	\$85,303.00	67.25%	\$15,523.00	\$42.78	\$0.00	\$1,144.00	\$0.00	\$1,730.00	\$0.00	\$18,439.78	14.54%	\$23,107.72	18.22%	\$18.22
MULTIPLE SCLEROSIS SOCIETY		5,182	\$105,588.25	\$80,483.00	76.22%	\$6,472.00	\$4,481.00	\$0.00	\$672.00	\$0.00	\$1,610.00	\$0.00	\$13,116.67	12.42%	\$11,988.58	11.35%	\$20.38
NON-PROFIT HOMES EAST KIWANIS		5,607	\$111,903.50	\$80,427.00	71.87%	\$8,112.00	\$5,607.00	\$0.00	\$312.00	\$0.00	\$1,610.00	\$0.00	\$16,408.00	14.87%	\$18,835.50	13.26%	\$19.96
NORTH END BASEBALL ASSOC		4,284	\$96,909.25	\$60,614.00	62.55%	\$11,706.00	\$0.00	\$0.00	\$960.00	\$0.00	\$1,680.00	\$62.00	\$14,608.00	14.87%	\$21,887.25	22.59%	\$22.62
NOTRE DAME PARISH		9,654	\$167,804.00	\$91,212.00	54.36%	\$22,682.90	\$0.00	\$0.00	\$640.00	\$0.00	\$1,820.00	\$3.50	\$25,146.40	14.99%	\$51,445.60	30.66%	\$17.38
OPTIMIST CLUB OF HAMILTON EAST & S.		330	\$7,837.00	\$7,003.00	89.36%	\$289.00	\$0.00	\$0.00	\$192.00	\$0.00	\$1,140.00	\$0.00	\$621.00	7.92%	\$213.00	2.72%	\$23.75
ORDER OF SONS OF ITALY		3,958	\$80,110.50	\$56,082.00	70.01%	\$9,542.10	\$0.00	\$0.00	\$640.00	\$0.00	\$1,120.00	\$0.00	\$11,253.50	14.05%	\$12,775.50	15.95%	\$20.24
OUR LADY OF LOURDES		8,089	\$141,799.50	\$87,586.00	61.77%	\$18,314.00	\$0.00	\$0.00	\$480.00	\$0.00	\$1,750.00	\$3.00	\$20,547.00	14.49%	\$33,666.50	23.74%	\$17.53
PARENTS WITHOUT PARTNERS		4,206	\$89,109.50	\$72,379.00	81.22%	\$4,931.15	\$3,089.50	\$0.00	\$880.00	\$0.00	\$1,540.00	\$0.00	\$10,408.65	11.68%	\$6,321.85	7.09%	\$21.19
POLISH ALLIANCE BR. 2		9,334	\$150,560.00	\$87,895.00	58.38%	\$20,217.00	\$0.00	\$0.00	\$568.00	\$0.00	\$1,750.00	\$0.00	\$22,535.00	14.97%	\$40,130.00	26.65%	\$16.13
REGINA MANDI PARISH		2,021	\$35,854.00	\$17,518.00	48.86%	\$5,027.00	\$0.00	\$0.00	\$0.00	\$0.00	\$350.00	\$0.00	\$5,377.00	15.00%	\$12,959.00	36.14%	\$17.74
ROMANIAN ORTHODOX CHURCH		9,900	\$172,252.00	\$87,738.00	50.94%	\$23,069.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$20,718.00	14.81%	\$31,524.00	22.54%	\$17.63
ROTARY CLUB		7,933	\$139,847.00	\$87,605.00	62.64%	\$18,524.00	\$0.00	\$0.00	\$440.00	\$0.00	\$1,750.00	\$0.00	\$16,743.00	13.66%	\$18,306.00	14.93%	\$18.22
SCOTT PARK MINOR HOCKEY		6,730	\$122,594.00	\$87,545.00	71.41%	\$13,993.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$20,718.00	14.81%	\$31,524.00	22.54%	\$17.63
SEVEN TOWERS FAMILY DAY CARE		574	\$12,497.00	\$10,518.00	84.16%	\$824.50	\$0.00	\$0.00	\$120.00	\$0.00	\$210.00	\$0.00	\$1,154.50	9.24%	\$824.50	6.60%	\$21.77
ST. ANTHONY OF PADUA CHURCH		3,615	\$105,240.00	\$59,699.00	56.19%	\$6,889.81	\$0.00	\$0.00	\$680.00	\$0.00	\$1,190.00	\$0.00	\$8,759.81	8.29%	\$96,181.19	97.72%	\$93.33
ST. CHRISTOPHER CHARITABLE		8,677	\$149,275.50	\$87,660.00	58.72%	\$20,033.00	\$0.00	\$0.00	\$600.00	\$0.00	\$1,750.00	\$0.00	\$22,383.00	14.99%	\$39,232.50	26.28%	\$17.20
ST. CYRIL & METHODIUS		8,350	\$142,793.00	\$87,667.00	61.39%	\$18,602.00	\$0.00	\$0.00	\$914.00	\$0.00	\$1,750.00	\$0.00	\$21,266.00	14.89%	\$33,860.00	23.71%	\$17.10
ST. GEORGE MISSION SOCIETY		7,609	\$131,671.00	\$87,740.00	66.64%	\$12,218.00	\$5,554.00	\$0.00	\$0.00	\$0.00	\$1,750.00	\$0.00	\$19,522.00	14.83%	\$24,409.00	18.54%	\$17.30
ST. GREGORY THE GREAT		10,823	\$184,775.00	\$91,239.00	49.38%	\$24,859.00	\$1,382.00	\$0.00	\$1,016.00	\$0.00	\$1,820.00	\$0.00	\$27,695.00	14.97%	\$55,841.00	35.63%	\$17.07
ST. JOSEPH SOCIETY		7,831	\$138,991.50	\$87,625.00	63.04%	\$16,630.00	\$1,382.00	\$0.00	\$1,048.00	\$0.00	\$1,750.00	\$0.00	\$20,810.00	14.97%	\$30,556.50	21.98%	\$17.75
ST. JOSEPHS BINGO CITE		8,719	\$151,059.00	\$84,142.00	55.70%	\$20,370.00	\$0.00	\$0.00	\$600.00	\$0.00	\$1,680.00	\$0.00	\$22,542.00	14.92%	\$44,375.00	29.38%	\$17.33
ST. LAWRENCE PARISH		7,458	\$132,602.83	\$80,589.00	60.77%	\$18,004.25	\$7,459.00	\$0.00	\$1,072.00	\$0.00	\$1,600.00	\$0.00	\$19,641.03	14.81%	\$32,372.80	24.41%	\$17.78
ST. LUKES ANGLICAN CHURCH		5,149	\$112,269.00	\$66,974.00	59.65%	\$6,415.00	\$0.00	\$0.00	\$1,768.00	\$0.00	\$1,600.00	\$0.00	\$16,606.00	14.79%	\$28,689.00	25.55%	\$17.85
ST. LUKES PARISH		8,293	\$126,083.00	\$78,337.00	62.13%	\$15,305.00	\$0.00	\$0.00	\$1,768.00	\$0.00	\$1,600.00	\$0.00	\$18,673.00	14.81%	\$29,073.00	23.06%	\$15.25
ST. MARYS BINGO GROUP		8,799	\$157,386.40	\$91,116.00	57.89%	\$20,951.37	\$0.00	\$0.00	\$740.00	\$0.00	\$1,820.00	\$0.00	\$23,511.37	14.94%	\$42,759.03	27.17%	\$17.95
ST. MICHAELS HUNGARIAN		5,519	\$107,104.50	\$67,735.00	63.24%	\$11,881.00	\$0.00	\$0.00	\$984.00	\$0.00	\$1,760.00	\$3.50	\$14,628.50	13.66%	\$24,741.00	23.10%	\$19.16
ST. PATRICKS PARISH		5,691	\$91,962.50	\$58,825.00	63.97%	\$11,606.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,170.00	\$0.00	\$13,776.00	14.98%	\$19,361.50	21.05%	\$16.16
ST. PETER & PAUL CHURCH		8,554	\$148,522.50	\$80,603.00	54.27%	\$20,066.00	\$0.00	\$0.00	\$600.00	\$0.00	\$1,610.00	\$0.00	\$22,276.00	15.00%	\$45,643.50	30.73%	\$17.36
ST. STANISLAUS CHURCH		8,932	\$145,021.00	\$87,588.00	60.40%	\$18,875.00	\$0.00	\$0.00	\$952.00	\$0.00	\$1,750.00	\$0.00	\$21,577.00	14.88%	\$35,856.00	24.72%	\$16.24
ST. STEPHENS CHURCH HALL		7,020	\$61,756.00	\$48,027.00	77.77%	\$0.00	\$1,885.00	\$1,325.00	\$1,880.00	\$0.00	\$940.00	\$0.00	\$6,030.00	9.76%	\$1,699.00	12.47%	\$8.00
ST. STEPHENS EDUCATION FUND		6,534	\$57,444.00	\$46,727.00	81.34%	\$0.00	\$1,655.00	\$1,300.00	\$1,840.00	\$0.00	\$920.00	\$0.00	\$5,725.00	9.97%	\$4,992.00	8.69%	\$8.79
ST. STEPHENS UNR SELF REL		8,185	\$145,833.00	\$87,662.00	60.11%	\$19,115.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$21,865.00	14.99%	\$36,306.00	24.90%	\$17.82
SUPERIOR LODGE #542		5,491	\$87,335.50	\$58,770.00	67.29%	\$10,910.00	\$0.00	\$0.00	\$960.00	\$0.00	\$1,170.00	\$0.00	\$13,040.00	14.93%	\$15,525.50	17.78%	\$15.91
SYMPHONIA CHOIR		6,266	\$109,705.00	\$77,128.00	70.30%	\$13,633.00	\$0.00	\$0.00	\$920.00	\$0.00	\$1,610.00	\$0.00	\$16,163.00	14.73%	\$16,414.00	14.96%	\$17.51
TARAS SHEVCHENKO HOME		8,320	\$146,432.00	\$87,670.00	59.87%	\$19,214.50	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$21,964.50	15.00%	\$36,797.50	25.13%	\$17.60
TE DELUX CONCERT SOCIETY INC.		3,063	\$64,449.00	\$52,302.00	81.15%	\$4,358.68	\$0.00	\$0.00	\$600.00	\$0.00	\$1,050.00	\$0.00	\$5,854.12	9.08%	\$6,292.88	9.76%	\$21.04
TEMPLE ANGE SHOLIM		9,813	\$172,349.00	\$91,197.00	52.91%	\$22,966.00	\$4.00	\$0.00	\$1,040.00	\$0.00	\$1,820.00	\$0.00	\$25,830.00	14.99%	\$55,322.88	32.10%	\$17.56
UNR CATHOLIC BROTHERHOOD		8,635	\$156,700.00	\$91,137.00	58.16%	\$20,569.00	\$0.00	\$0.00	\$1,040.00	\$0.00	\$1,820.00	\$0.00	\$23,429.00	14.95%	\$42,134.00	26.89%	\$18.15
UNR CHURCH OF RESURRECTION		9,030	\$157,713.89	\$91,101.00	57.76%	\$20,526.00	\$410.00	\$0.00	\$656.00	\$0.00	\$1,820.00	\$0.00	\$23,412.00	14.84%	\$43,200.89	27.39%	\$17.47
UNR WOMENS ASSOCIATION		8,000	\$142,135.00	\$87,682.00	61.69%	\$17,867.00	\$694.00	\$0.00	\$1,000.00	\$0.00	\$1,750.00	\$0.00	\$21,311.00	14.99%	\$33,142.00	23.37%	\$17.77
UKRAINIAN CULTURAL CENTRE		9,926	\$176,035.31	\$122,661.00	69.68%	\$10,132.00	\$8,295.00	\$0.00	\$1,088.00	\$0.00	\$2,450.00	\$0.00	\$21,965.00	12.48%	\$31,409.31	17.84%	\$17.73
UKRAINIAN YOUTH ASSOC		4,219	\$76,792.35	\$52,555.00	68.44%	\$4,875.00	\$4,109.00	\$0.00	\$600.00	\$0.00	\$1,050.00	\$0.00	\$10,634.00	13.85%	\$13,603.35	17.11%	\$16.20
UNITED WAY		542	\$79,380.75	\$10,159.00	108.30%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$210.00	\$0.00	\$210.00	2.24%	(\$988.25)	-10.53%	\$17.80
UPPER HAMILTON OPTIMIST CLUB		6,393	\$129,162.70	\$87,491.25	67.74%	\$9,584.00	\$6,301.00	\$0.00	\$1,352.00	\$0.00	\$1,750.00	\$0.00	\$18,987.00	14.70%	\$22,684.45	17.56%	\$20.29
WAR PENSIONERS OF CANADA		10,610	\$172,943.00	\$91,183.00	52.77%	\$22,830.00	\$0.00	\$0.00	\$1,248.00	\$0.00	\$1,820.00	\$0.00	\$25,898.00	14.97%	\$55,862.00	32.30%	\$16.45
WAYSIDE HOUSE		7,263	\$134,577.00	\$87,557.00	65.06%	\$17,384.00	\$0.00	\$0.00	\$840.00	\$0.00	\$1,750.00	\$0.00	\$19,974.00	14.84%	\$27,046.00	20.10%	\$18.53
WENTHUR FIDURE SKATING		8,830	\$148,818.00	\$91,252.00	61.32%	\$19,474.15	\$0.00	\$0.00	\$976.00	\$0.00	\$1,820.00	\$0.00	\$22,270.00	14.96%	\$35,296.00	23.72%	\$16.60
WEST MOUNTAIN BASEBALL ASSOC		7,397	\$136,472.50	\$91,000.00	66.60%	\$17,044.15	\$0.00	\$0.00	\$1,016.00	\$0.00	\$1,820.00	\$0.00	\$19,880.15	14.57%	\$25,592.35	18.75%	\$18.90
WOMEN OF THE MOOSE #753		3,161	\$49,016.00	\$33,210.00	67.75%	\$5,935.70	\$0.00	\$0.00	\$520.00	\$0.00	\$660.00	\$0.00	\$7,113.70	14.51%	\$8,692.30	17.73%	\$15.51
YOUNG WOMENS CHRISTIAN ASSOC		2,518	\$52,997.50	\$37,970.00	71.64%	\$5,615.94	\$0.00	\$0.00	\$440.00	\$0.00	\$770.00	\$0.00	\$6,8				

NAME OF ORGANIZATION	PREMISES	YR/MT/DY PLAYERS	GROSS	PRIZES	PER. 1	RENT	SUPPLIES	ADVERT.	HONOR	SECUR.	LIC. FEE	OTHER	T. ADMIN.	PER. 2	PROCEEDS	PER. 3	A/S/P
ONTA CLUB		3,714	\$75,385.00	\$52,619.00	69.80%	\$9,601.49	\$0.00	\$0.00	\$600.00	\$0.00	\$1,050.00	\$0.00	\$11,251.49	14.93%	\$11,514.51	15.27%	\$20.30

1989 GRAND TOTALS :

PREMISES	YR/MT/DY PLAYERS	GROSS	PRIZES	PER. 1	RENT	SUPPLIES	ADVERT.	HONOR	SECUR.	LIC. FEE	OTHER	T. ADMIN.	PER. 2	PROCEEDS	PER. 3	A/S/P
TOTAL	704,729	\$12,746,657.44	\$8,405,051.75	65.94%	\$1,323,170.38	\$162,929.78	\$2,625.00	\$96,564.00	\$0.00	\$171,190.00	(\$1,847.23)	\$1,754,631.93	13.77%	\$2,586,973.76	20.30%	\$10,790

## REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its FIFTH Report for 1990 and respectfully recommends:

1. (a) That an Option to Purchase Agreement dated 1990 February 14 executed by Yiannoulla Mouskos for rear land at 586 Stone Church Road East and scheduled for closing on 1990 May 17, be approved and completed.
- (b) That the Vendor's Solicitor prepare the necessary deeds and certify title to the City of Hamilton.
- (c) That, upon completion of this transaction and the eventual establishment of Part 5 as Acadia Drive, the City will establish one foot reserves known as 4 and 6 on draft Reference Plan S-7329 (MacKay, MacKay and Peters Ltd.) in order to recover the land servicing and construction costs of establishing Acadia Drive from the abutting lands.
- (d) That when full municipal services are provided to the subject lands, the City agrees to incorporate the lands by by-law as a public road.

**NOTE:** The property is described as rear land at 586 Stone Church Road East, Parts 4, 5 and 6 on draft Reference Plan S-7329 (Mackay, Mackay and Peters Ltd.) and contains 426.68 square metres (4 592.74 square feet).

The purchase price is \$2. and is to be charged to Account No. CH58303 00107 - (Reserve for Services through Unsubdivided Land).

2. (a) That the City of Hamilton enter into a Lease Agreement with Playfair Developments Ltd. in accordance with the following terms:

Property: 25 Main Street West, Suite 1500, Hamilton

Area: 565 square feet

Term: 4 years, 3 months  
commencing 1990 April 1  
terminating 1994 June 30

Rental Rate: \$18. per square foot (gross)  
\$10 170. annually, \$847.50 per month

Escalation: The City to pay realty tax and operating cost escalation over the 1989 base year on a proportionate share.

Option to Renew: The City has the Option to Renew this lease for a further one (1) year. All terms and conditions are to remain the same, save and except, the rental rate which shall be negotiated six (6) months prior to the expiry of the initial term.

Improvement Allowance: The Lessor will paint the premises and clean the carpet prior to occupancy. In addition, the Lessor will provide three (3) months free rent, the rental payments to commence 1990 July 1.

- (b) That the Mayor and City Clerk be authorized to execute a Lease Agreement in a form satisfactory to the City Solicitor.

NOTE: With the adoption of Section 5 of the THIRD Report of the Transport and Environment Committee, City Council at its meeting on 1990 February 27 placed responsibility for the administration of the School Crossing Program under the jurisdiction of the Director of Traffic Services. In addition, the resolution authorized the Director of Property and the Director of Traffic Services to investigate the temporary leasing of the necessary office space and storage area to accommodate the program.

The term 1990 April 1 to 1994 June 30 was selected to tie in with the completion of the Regional Tower at which time the School Crossing Program can relocate into City Hall when the Region vacates the space.

3. (a) That the Commissioner of Engineering be authorized to issue the purchase orders on behalf of the City of Hamilton for the 1990 Maintenance Cost for Automatic Protection at Level Crossings.

CN Rail	\$53 700.
CP Rail	\$68 300.

- (b) That the expenditures be charged to Account No. CH57408 52010 (Railway Crossing Maintenance).

**NOTE:** There are presently 36 railway crossings on City streets protected with either bells and lights, or bells, lights and gates. This automatic protection must be maintained constantly according to standards set by Transport Canada. In addition, Transport Canada and the National Transportation Agency of Canada have issued individual Board Orders for each crossing which specify the party responsible for performing the maintenance and the appropriate cost sharing.

The Railways are responsible for performing the required maintenance to all crossings with automatic protection. The City's share of these costs is generally 50% in accordance with the Board Orders.

4. (a) That the additional City's share of the cost of services required in "Wellington Chase - Phase 2" be increased by \$72 762.73 from \$34 920.68 to \$107 683.41, and that the Finance and Administration Committee recommend the method of financing.

**THE FINANCE AND ADMINISTRATION COMMITTEE  
RECOMMENDS THAT THE ADDITIONAL CITY'S  
SHARE IN THE GROSS AMOUNT OF \$72 762.73 BE  
FINANCED FROM THE RESERVE FOR CITY'S SHARE  
OF SERVICES THROUGH UNSUBDIVIDED LANDS. -CARRIED-**

- (b) That the City Treasurer be authorized to pay Wellington Chase Inc. for the costs of services, including engineering and inspection fees, associated with Block "69", Plan 62M-577, (Wellington Chase - Phase 2) which have been completed, upon receipt of proof of payment to the Contractor and Consulting Engineer and completion of the transfer of Block "69", Plan 62M-577 to the Separate School Board.
- (c) That the City Treasurer pay to Wellington Chase Inc. the sum of \$1 265.63 for the cost of street trees associated with Block "69", Plan 62M-577, which was collected under the City Subdivision Agreement after Block "69", Plan 62M-577 had been transferred to the Separate School Board.

- (d) That the Hamilton-Wentworth Roman Catholic Separate School Board be invoiced by the City Treasurer for those amounts equal to the Local Improvement Act charges applicable to Block "69", Plan 62M-577, these amounts being payable to the City upon the Hamilton-Wentworth Roman Catholic Separate School Board receiving possession of Block "69", Plan 62M-577, the amounts to be recovered from the Hamilton-Wentworth Roman Catholic Separate School Board being as follows:

Sidewalks, Curbs and Gutters	\$33 306.21
Finished Roads	<u>\$56 158.64</u>
Total	
(To be recovered from the Board)	\$89 464.85

5. That the application of the Naylor Group Incorporated to temporarily close Bowen Street between Main Street East and Jackson Street East on Saturday, 1990 March 24 from 7:00 a.m. to 10:00 a.m. in order to hoist heating equipment to the roof of 69 John Street South, be approved subject to the following provisions:
- (a) That temporary road closure signs be installed in advance by the Traffic Department if deemed appropriate on the affected roadways, at the expense of the applicant;
  - (b) That the applicant ensure that clean-up operations are carried out immediately before the re-opening of the road, at no cost to the City;
  - (c) That the applicant provide proof of \$1 000 000. public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss;
  - (d) That the applicant reimburse the Regional Police Department, the Department of Engineering, the Traffic Department, and any other agency for any costs incurred by these agencies as a result of this closure;
  - (e) That no property owner or resident within the barricaded area will be denied access to their property if requested;
  - (f) That all property owners and tenants along the closed portion of the street be notified of the proposal by the applicant at least four weeks prior to the closure in a form acceptable to the Commissioner of Engineering.

6. That applications for Inadvertent Encroachment Agreements as set out in Schedule "A" attached hereto, be approved during the pleasure of Council, subject to the following provisions:
  - (a) That the owner enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
  - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
  - (c) That a first year fee and a subsequent annual fee as set out in Schedule "A" be set for this privilege.
7. That the City Solicitor be authorized and directed to incorporate certain City lands into various streets as outlined in Schedule "B", appended hereto.
8.
  - (a) That payment for street trees in subdivisions be increased from \$6.25 per metre to \$7. per metre of frontage and flankage, the new rate to be applied to all subdivisions where the engineering schedules have not yet been approved by City Council.
  - (b) That the fee for street trees in subdivisions be indexed annually on the 1st day of January in accordance with the Composite Index for October as published in the October issue of the Southam Construction Cost Index (Ontario Series) for that year.

**NOTE:** The City policy requires the subdivider to make a cash payment to the City for trees to be planted on new streets. The concept is to plant one tree per lot along the frontage, and a reasonable number of trees along flankages and along large blocks of land within new subdivisions. The charge is levied on the basis of a fixed amount per metre frontage and flankage rather than on a per tree basis. This is for the convenience of administration. The last time this charge was revised to reflect actual costs was in January 1988. The City's cost has increased from approximately \$85. per tree to approximately \$95. per tree. It is therefore necessary to increase the cost from \$6.25 per metre to \$7. per metre to avoid subsidizing the tree planting program.

9. (a) That the existing one time processing fee of \$40. for inspection and administrative costs associated with the signing and enforcement of private parking lots in accordance with By-law No. 89-75 be increased by 6.7% to \$42.68; and
- (b) That the existing one time processing fee of \$150. for each commercial, industrial, institutional and multiple residential boulevard parking application be increased by 6.7% to \$160.05; and
- (c) That the existing commercial, industrial, institutional and multiple residential boulevard parking leasing rates of \$50. per parking space or part of a space per year for each of the first two spaces and \$25. per parking space or part of a space per year for each space over two and up to a total of ten spaces be increased by 6.7% to \$53.35 per space and \$26.68 per space respectively; and
- (d) That a one time \$15. processing fee be established for driveway approach approvals by the Traffic Department for commercial, industrial, institutional and multiple residential land uses, except where a boulevard parking processing fee is applicable.
- (e) That the policy be adopted of adjusting the processing fees for signing private parking lots, boulevard parking applications, driveway approach approvals, and boulevard leasing fees annually on January 1 of each year by a rate equal to the cost of living index for the Province of Ontario for the previous year based on the Consumer Price Index at the previous September 1.

**NOTE:** The increase in service charges and leasing fees will result in additional revenues of approximately \$4 000. annually.

10. That the City Traffic By-law No. 89-72 be amended to provide for the following:
- (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Pearl Street North between King Street West and Morden Street.
- (b) That a "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation be implemented in conjunction with the existing "Alternate Side Parking" regulation on West Avenue North between King William Street and Wilson Street in place of the existing "Three Hour Parking Time Limit".

- (c) That the existing "No Parking 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on both sides of Isaac Court be replaced with a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation.
  - \* (d) That a "Permit Parking" regulation be implemented on both sides of Princess Street between Earl Street and Sherman Avenue; and that the Director of Traffic Services be authorized to issue one parking permit, upon request, to one resident of each of the 14 residential properties abutting the block and any additional permits (to a maximum of 20) on a first come first served basis.
  - (e) That an "Alternate Side Parking" regulation be implemented on Crerar Drive between the south curb line of Pescara Drive and the north end such that parking is prohibited on the west side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October, and November.
  - (f) That a "Three-Way Stop Control" be implemented at the intersection of Bow Valley Drive and Evelyn Street.
11. That the application of B.C.R. Investments to lease a portion of the boulevard of Erie Avenue adjacent to 440 Main Street East, be approved provided that:
- (a) The applicant pays the annual fee in accordance with the fee structure approved by City Council on 1986 March 25 (current rate is \$125. per year) plus taxes, if any, in addition to the \$10. encroachment insurance charge approved by City Council on 1984, February 14.
  - (b) The owner pays a one time \$25. registration fee as approved by City Council on 1986 January 14.
  - (c) The owner pays a one time \$150. processing fee, as approved by City Council on 1988 January 12.
  - (d) The owner complies with the requirements as set out in the policy approved by City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes.
  - (e) The driveway approach, parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense.
  - (f) The owner executes an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.

\* Section 10(d) referred back

12. That the Honourable Doug Lewis, Minister of Transport be requested to use his good office to urge the Canadian Pacific Railway officials to cease with the use of the train whistle during the early morning hours, at the Canadian Pacific Railway crossing at Greenhill Avenue.
13. That leave be granted to introduce the following Bills:
- (a) Bill B-26 A By-law to Incorporate Part 2, Plan 62R-10839 into Quaker Crescent
  - (b) Bill B-27 A By-law to Incorporate Part 1 - Plan 62R-10839 into Queen Victoria Drive
  - (c) Bill B-28 A By-law to Incorporate Part 3, Plan 62R-8963 into Limeridge Road
  - (d) Bill B-29 A By-law to Alter Holly Avenue, from Beach Road to McAnulty Boulevard
  - (e) Bill B-30 A By-law to Incorporate Part 1, Plan 62R-10882 into Rupert Court
  - (f) Bill B-31 A By-law to Incorporate Part of Block 19, Plan 62M-471 into Quincy Court
  - (g) Bill B-32 A By-law to Incorporate Blocks 16 and 17, Plan 62M-455 into Rexford Drive
  - (h) Bill B-33 A By-law to Incorporate Block 35, Plan 62M-478 into Rexford Drive
  - (i) Bill B-34 A By-law to Incorporate Parcel "B", Plan 1007 into Alma Avenue
  - (j) Bill B-35 A By-law to Incorporate Part 7, Plan 62R-7802 into Eva Street
  - (k) Bill B-36 A By-law to Incorporate Block 67, Plan 62M-556 into Presidio Drive
  - (l) Bill B-37 A By-law to Incorporate Blocks 18 and 19, Plan 62M-455 into Robson Crescent

- (m) Bill B-38 A By-law to Amend By-law No. 89-72 To  
Regulate Traffic
- (n) Bill B-39 A By-law to Amend By-law No. 89-72 to  
Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
1990 March 19

mjlw

SCHEDULE "A"

City Council Date: Tuesday March 13, 1990.

03/27/90

-2326-

Schedule "A" as referred to in Section 6 of the FIFTH Report for 1990 of the Transport and Environment Committee

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
143 Fairfield Avenue North	Concrete Steps Measuring 5.0' X 2.36'	Braden & Braden Barristers & Solicitors 123 Ottawa Street North L8H 3Y9	\$105.00 - \$20.00	T103-50 (864)
214 Mary Street North	Wooden Porch Measuring 22.5' X 1.5'	John W. Findlay 20 Jackson Street West Suite 500 Hamilton, Ontario L8P 1L2	\$105.00 - \$20.00	T103-50 (825)
18 Balsam Avenue North	Concrete Steps Measuring 4.5' X 1.0'	Fedak Law Office Barristers & Solicitors 1252 Barton Street 2nd Floor Hamilton, Ontario L8H 2V9	\$105.00 - \$20.00	T103-50(837)
438 Dundurn Street South (encroachment on Glenside Ave.)	Balcony Measuring 4.5' X 3.2'	Rouben Gharabegian 1588 Truscott Drive Mississauga, Ontario L5J 1Z5	\$105.00 - \$20.00	T103-50(861)
127 Fairfield Avenue North	Framed Shed Measuring 7.8' X 7.9'	Phillip D. Kennedy 40 Mohawk Road Suite 1 Box 6218 Station F Hamilton, Ontario L9C 3S3	\$105.00 - \$20.00	T103-50(85)
515 Mary Street North	Concrete Steps Measuring 2.0' X 1.45'	Walter P. Jazvac 124 Young Street Hamilton, Ontario. L8N 1V6	\$105.00 - \$20.00	T103-50(86)
126 Roxborough Avenue	Concrete Steps Measuring 4.62' X 2.0'	Braden and Braden Barristers and Solicitors 123 Ottawa Street North Hamilton, Ontario. L8H 3Y9	\$105.00 - \$20.00	T103-50(80)

City Council Date: March 27, 1990

SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
135-137 Strachan Street	Concrete Driveway retaining walls 15'0" X 34'0"	Burns, Vasan, Christmas, McLeod Cimba Barrister Solicitors Stelco Tower P.O. Box 987 Suite 1200 100 King Street West Hamilton, Ontario L8N 4B7	\$125.00/20.00	T103-50(852)

Incorporating into Street Name	Description of Lands being Incorporated	Financial Implications	Reason For being Incorporated	File No.
Fairholt Rd. N.	Part of the Reserve in William Strong's Survey, Reg'd Plan No. 300, as described in Inst. #136017 Ham.	NIL	To provide access from municipal addresses #29 & 31 Fairholt Road as established by reg'd Plan No. 300	S610-03
Rexford Drive	Parts of Block "AX" Plan M-200, designated as Parts 1 and 2, Plan 62R- 11002	NIL	To provide access and hook-up between Rexford Drives on Plans M-200 and 62M-454 and also provide access from Part 1 on Plan 62R-9722 to Rexford Drive	S718-06 S718-45
Templemead Drive	Part of Lot 5, Con. 8 (formerly Barton Twp.) designated as Parts 1-6 (both incl.) on Plan 62R-4121	NIL	To provide access & hook-up with Templemead Drives as est'd by By-Laws 85-161 & 87-210 and Plan 62M-560 to a soon to be Registered Plan of Subdivision abutting and to the east to be known as "Silverton Avenue Subdivision"	S720-22 S610-03

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its FIFTH Report for 1990 and respectfully recommends:

- \*1. (a) That the request dated 1990 February 08, from Mr. Wm. Simpson, owner of Lakeland Pool for recreational support services in the form of the City entering into a long term rental agreement, with the yearly cost being equal to the taxes on the pool facility BE DENIED.
- (b) That the request from Mr. Wm. Simpson, owner of Lakeland Pool that the Parks and Recreation Committee recommend to the Finance and Administration Committee to extend the Business and Realty Tax exemption (pool and related facilities only) for Lakeland Pool BE DENIED.

NOTE: THE ABOVE RECOMMENDATIONS WERE LOST ON A TIE VOTE OF THE PARKS AND RECREATION COMMITTEE AND IN ACCORDANCE WITH ESTABLISHED POLICY ARE NOW BEING SUBMITTED TO CITY COUNCIL FOR CONSIDERATION AND DISPOSITION.

- (c) That the Region of Hamilton-Wentworth and the Hamilton Region Conservation Authority NOT BE advised there is a need for the Lakeland Pool complex.

NOTE: THE ABOVE MATTER WAS LOST ON A TIE VOTE OF THE PARKS AND RECREATION COMMITTEE AND IN ACCORDANCE WITH ESTABLISHED POLICY IS NOW BEING SUBMITTED TO CITY COUNCIL FOR CONSIDERATION AND DISPOSITION.

EXPLANATORY NOTE: For the information of the Members of City Council, the Parks and Recreation Committee as a result of the Lakeland Pool discussions requested that the Director of Culture and Recreation investigate and prepare a report for the Committee's consideration on the viability of the City leasing Lakeland Pool and providing a balanced recreational programme for the community.

2. That a purchase order be issued to Cannon Nurseries, Waterdown, in the amount of \$49 820.94 for the supply and delivery of various trees for the Parks Division, Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Stock Materials Account No. CH56197 60999.

- \* *Motion to table Section 1 lost, recorded vote, see page 2270*  
*Proposed amendment to Section 1(a) lost, recorded vote, see page 2271*  
*Recorded vote on Section 1(a) lost, see page 2271*  
*Proposed amendment to Section 1(b) lost, recorded vote, see page 2271*  
*Recorded vote on Section 1(b) lost, see page 2272*  
*Section 1(c) referred back, recorded vote, see page 2272*

3. That a purchase order be issued to Hortico Inc., Waterdown, for the supply and delivery of Perennials as required during 1990 for the Parks Division, Public Works Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in various Stock Inventory Accounts. Estimated expenditure based on anticipated usage \$22 000.

4. (a) That approval be given for the granting of an easement by the City to the Regional Municipality of Hamilton-Wentworth over Parts 1 and 10 on Plan 62R-10593 for sewer purposes.

NOTE: This easement is located east of Upper Paradise Road and south of Stone Church Road West, having a width of 5.007 metres (16.43 feet) by a depth of 66.66 metres (218.7 feet). The purchase price of \$1 is to be credited to Account No. CH4X501 00102, Reserve for Property Purchases.

- (b) That the City Solicitor be directed to finalize this transaction.
- (c) That the Mayor and City Clerk be authorized to execute all the necessary documents to complete this transaction.

- \* 5. (a) That approval be granted to schedule the three major Hamilton Summer Festivals for 1990 as follows:

- Earthsong - June 29, 30, July 1 at Gage Park
- Festival of Friends - August 10, 11, 12 at Gage Park
- CariCan - August 18, 19 at Dundurn Park

- (b) That these approvals be subject to compliance with the requirements pertaining to Health, Fire, Police, Parks and Recreation regulations.

6. (a) That the support for the community operators at the Hamilton Tennis Club (H.A.A.A. Grounds) be reaffirmed.

- (b) That the Finance and Administration Committee be requested to include the replacement of the municipally-owned Club House in the 1991 Capital Budget.

NOTE: Capital cost of \$500 000 cost-shared by The Hamilton Tennis Club with potential subsidy from the Ministry of Tourism and Recreation.

\* Recorded vote, see page 2272

7. (a) That permission be granted the Hamilton and District Slo Pitch Association to sell beer during the occasion of their softball tournament, scheduled at Globe Park on the following dates 1990 May 12, 1990 June 8, 9, 10, under the terms and conditions which include the following:
- i. That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
  - ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
  - iii. That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
  - iv. That the applicant assume responsibility for all labour related costs as a result of this event.
  - v. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.

NOTE: Approval is required pursuant to Parks By-Law 77-221.

- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

8. That permission be granted to the Rotary Club of Hamilton A.M. to use Gore Park on Thursday, 1990 June 07, from 6:00 a.m. to 9:30 a.m. to host a Pancake Breakfast.

9. That the Director of Culture and Recreation be authorized to provide appropriate adjustments in the introductory year for the administrative charges specific to the allocation of sport fields.

NOTE: On 1989 June 27 City Council adopted Item 14 of the FOURTEENTH Report of the Parks and Recreation Committee approving a sport fee allocation formula based on \$1 per sport field per date for youth. Due to timing and Executive changes a number of community leagues have not provided for this increase in their registration fees. This will be a one year provisional adjustment.

10. That approval be given of the action taken by the Director of Culture and Recreation in approving the request of the International Christian Bikers Association to sell food and non-alcoholic beverages in conjunction with their Motorcycle Show, being held on Saturday, 1990 May 05, in Dundurn Park.

NOTE: Permission is required pursuant to Parks By-law 77-221.

11. That the admission policies for the following museums: Whitehern, The Children's Museum, The Hamilton Museum of Steam and Technology, The Hamilton Military Museum, and Dundurn Castle appended hereto as Schedule "A", be approved.
12.
  - (a) That approval be given to the City of Hamilton on behalf of the Hamilton Museum of Steam and Technology to apply to The Hamilton Foundation for a grant of up to \$3 000 for equipment to complete the classroom and public meeting space in the woodshed (wide screen television, video player, trolley, chairs).
  - (b) That approval be given to the City of Hamilton to apply to The Hamilton Foundation for a grant of up to \$3 000 for various items to improve the resources available to the five City of Hamilton Museums (Desk Top Publishing Software; Computer House; Resource Library Boards on Museology, Programming, Ethics, Marketing, etc.)
  - (c) That approval be given to the City of Hamilton on behalf of the Children's Museum to apply to the Hamilton Foundation for a grant of up to \$3 000 for equipment to upgrade public displays and promotion materials (large video screen; video cassette recorder; push button tape machine, small computer; colour toner and photocopier).
13. That approval be given to the Children's Museum to proceed with the Wintario Internship Training Grant which will provide for an Education Intern for the Museum for a one year period.
14.
  - (a) That approval be given to the allocation of funds, in accordance with the policy as approved by City Council, and amended 1989 July 18, for the purchase and installation of playlot equipment for the Barnstown Neighbourhood at a cost of \$5 500.
  - (b) That the Finance and Administration Committee be requested to recommend the method of financing this project.

THE FINANCE AND ADMINISTRATION COMMITTEE  
RECOMMENDS THAT THE PURCHASE AND INSTALLATION  
OF PLAYLOT EQUIPMENT IN THE AMOUNT OF \$5 500  
BE FINANCED FROM THE RESERVE FOR ACQUISITION  
OF PROPERTIES UNDER THE PLANNING ACT. (5%  
PARKS FUND) -CARRIED-

15.
  - (a) That approval be given to the allocation of funds in accordance with the policy as approved by City Council 1986 May 13 and as amended on 1986 October 26 for the purchase and installation of metal equipment for the Highview Neighbourhood Playground (Highview School) at a cost of \$5 500.

NOTE: The estimated total cost for the project is \$16 500 for a combination creative metal climber.

- (b) That the Finance and Administration Committee be requested to recommend the method of financing.

THE FINANCE AND ADMINISTRATION COMMITTEE  
RECOMMENDS THAT THE PURCHASE AND INSTALLATION  
OF PLAYLOT EQUIPMENT IN THE AMOUNT OF \$5 500  
BE FINANCED FROM THE RESERVE FOR ACQUISITION  
OF PROPERTIES UNDER THE PLANNING ACT. (5%  
PARKS FUND) -CARRIED-

16. (a) That approval be given to award a contract to remove and replace the concrete rink slab at the Mountain Arena on Hester Street to Harm Schilthuis & Sons of Ancaster for the sum of \$320 873.
- (b) That approval be given to a revised overall estimated cost of the project of \$496 000.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing.

THE FINANCE AND ADMINISTRATION COMMITTEE  
RECOMMENDS THAT THE CITY SOLICITOR BE AUTHORIZED  
TO MAKE APPLICATION TO THE ONTARIO MUNICIPAL BOARD  
FOR APPROVAL TO INCREASE THE GROSS COST OF THE  
REPLACEMENT OF RINK SLABS AND BOARDS AT MOUNTAIN  
ARENA FROM \$425 000 (OMB NO. E900021 DATED 1990  
JANUARY 12) TO \$496 000 AND THAT THE INCREASED COST  
OF \$71 000 BE FINANCED BY THE ISSUANCE OF DEBENTURES  
FOR A PERIOD NOT TO EXCEED 20 YEARS, RECOVERABLE  
FROM THE MILL RATE LEVIED ON ALL RATEABLE PROPERTY.  
IT IS FURTHER RECOMMENDED THAT APPLICATION BE MADE  
TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
TO ISSUE ADDITIONAL DEBENTURES IN THE AMOUNT OF  
\$71 000 FOR A TERM NOT TO EXCEED 20 YEARS. -CARRIED-

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 March 20

/lp

## SCHEDULE "A"

REFERRED TO IN SECTION 11  
OF THE FIFTH REPORT OF THE  
PARKS AND RECREATION  
COMMITTEE

ADMISSION POLICY - WHITEHERN

Whitehern Museum is open to all members of the public, during stated visitor hours, subject to the conditions outlined in this policy.

## NORMAL VISITOR HOURS

1. Whitehern is open to the public seven days per week:  
June 1 to Labour Day from 11:00 a.m. to 4:00 p.m.  
Rest of the year from 1:00 p.m. to 4:00 p.m.
2. Last admission is at 4:00 p.m.
3. The Museum is closed on Christmas Day and New Year's Day.

### 3.0 Individual Visitors

#### 3.1 General Conditions

- 3.1.1 All visitors must have a valid admission ticket, or waiver of admission fee, to enter the Museum.
- 3.1.2 Admission is a privilege, not a right. Admission to museum buildings may be denied to members of the public, at the discretion of the senior staff member on duty, when:
  - 3.1.2.1 The individuals or group arrive at the site outside of visitor hours without a pre-arranged appointment; or
  - 3.1.2.2 The admission of additional individuals or groups of individuals to one of the museum buildings would exceed the occupancy load as specified for that building; or
  - 3.1.2.3 An emergency is in progress such as a fire, theft, accident or power failure; or
  - 3.1.2.4 The behaviour of these same individuals or groups of individuals is deemed by the senior staff member on duty to be a threat to the safety, well being or enjoyment of visitors, staff, artifacts or the building.
- 3.1.3 The Museum takes every reasonable precaution to ensure the safety and well being of its visitors. However, each individual is responsible for his or her own safety and conduct and that of any minors in his or her own care.
- 3.1.4 The Museum does permit the use of hand held, available light photographic and/or video equipment except where its use endangers either the collection or visitors. Other equipment may be used through prior arrangement with the Curator.

#### 3.2 General Admission Ticket

- 3.2.1 The general admission ticket entitles the bearer access to the exhibits in the museum but not necessarily to all special events, services, temporary exhibit or group programmes etc.
- 3.2.2 The general admission ticket has no expiry date and may be used at any time during the normal visitor hours stated in this policy.
- 3.2.3 For the purposes of accountability and possible refunds, the general admission ticket is considered to have no cash value.
- 3.2.4 The general admission ticket must be used by the appropriate person for that category of ticket.

## GENERAL ADMISSION TICKET

1. A ticket to Whitehern may be obtained directly from the Museum, during normal visitor hours, under the following categories (see below) and prices:

Adult	-	\$1.75
Senior	-	\$1.25
Student	-	\$1.25
Child	-	\$1.00
Child/Programme	-	\$1.25

This ticket entitles the bearer access to tour the museum, with a costumed Interpreter, but not to special events or programmes.

2. A general admission fee ticket is valid only at the time of purchase and for the person to whom it was issued.
3. A general admission fee ticket must be paid for at the time of purchase and in cash or by traveller's cheque.
4. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or traveller's cheque which the staff consider to be suspect or too large for the cash float available.
5. Adults with a mobility disability may be offered the seniors admission rate at the time of ticket purchase.

## GENERAL ADMISSION CATEGORIES

The following categories, and definitions, are used at Whitehern for the purposes of general admission fee tickets:

**ADULT:** any individual who does not fit into any of the other categories. This category represents the standard full price admission rate from which the other categories are reduced.

**SENIOR:** available to any individual with a valid Seniors' card.

**STUDENT:** available to any individual, of any age, with a valid student card to any educational institution.

CHILD: available to any child from age 5 to 13 not with a booked group. (those under 5 years of age are admitted free).

CHILD/ PROGRAMME: any child with a booked group for a specific programme or workshop.

#### GUESTS

The following individuals are admitted without charge to Whitehern during normal visitor hours:

1. Any individual holding a valid pass issued by the Corporation of the City of Hamilton or by the Department of Culture and Recreation.
2. Those under five years of age, and not part of a booked group.
3. Any member of the Hamilton City Council or Hamilton Historical Board.
4. Anyone with a valid, Department approved, coupon permitting a free admission.
5. Anyone holding a valid Ontario Museum Association membership card (any category).
6. Any individual, who has legitimate business with a staff member or an appointment to use the research facilities, for whom access to the exhibits is deemed by the senior staff person to be appropriate. This includes members of the media, and tour leaders/teachers orienting themselves to the facility.
7. Any individual who is going directly to the office or to the sales counter and is not planning to view the exhibits.

## GROUP VISITORS

### GENERAL CONDITIONS

1. All members of a group must have a legal admission ticket, or waiver of admission fee, to enter the Museum.
2. Admission is a privilege and not a right. It may be denied to individuals within a group, or to a group as a whole, for the same reasons as outlined for individual visitors.
3. Student and Child tours must have sufficient adult chaperons as follows:
  - a) For group general admissions of under 15 individuals, one adult.
  - b) For group general admissions of 15 or more individuals, two adults (one for each exhibit floor).
  - c) For programmes, one adult for every sub-division into which the group will be split. (normally two)
4. Chaperons are responsible for the conduct and safety of those in their group while in the building or grounds.
5. Booked groups of 25 or more people are eligible to receive a 10 percent discount.

Adult, \$1.55,  
Senior, \$1.10  
Student, \$1.10  
Child/programme, \$1.10

### GENERAL ADMISSION TICKET

1. The same conditions as outlined in items 1 - 7 for individual visitors apply to group visitors.

### GENERAL ADMISSION CATEGORIES

The same definitions apply to group visitors as to individuals.

#### TOURS AND EDUCATIONAL PROGRAMMES

1. Standard educational programmes of one hour are available to Child groups at a Programme fee rate as follows:  
  
CHILD - \$1.25
2. One hour guided tours of the exhibits are available to all types of groups at general admission fee rates.
3. Standard educational programmes and group tours require advance bookings (see appropriate section below).
4. These programmes/tours must be booked in advance to ensure the availability of staff to conduct the programme/tour.
5. There are no minimum required numbers for a booking, though those under 10 individuals may be discouraged unless it is in the participants' best interests. The maximum number for the educational programmes is one class or 35 people. The maximum number for a Senior/Adult tour is 60.

#### SPECIAL PROGRAMMES

1. Programmes designed by the staff specifically for various youth groups or other special segments of the visiting public are available from time to time.
2. Prices, conditions and times available for these programmes are determined by the Curator and set forth in literature provided by Whitehern.
3. Prices set reflect quantities of materials used, number of staff required to implement, length of time to complete programme and number of participants allowed.
4. These programmes are not normally available during visitor hours and have limited enrolment, therefore, require an advance booking (see appropriate section below).

## GUESTS

The following groups, or individuals within a group, are admitted to the exhibits without charge:

1. Any group which has applied in advance to the Department of Culture and Recreation for a waiver of fees which has been granted and the Museum duly notified to that effect.
2. With Adult/Senior tour:
  - a) tour leaders
  - b) bus drivers
  - c) any attendants required for persons with mobility disabilities
3. With Student/Child tour:
  - a) group leaders, teachers or official adult volunteer supervisors
  - b) bus drivers or, in the case of smaller groups, car pool drivers
  - c) any attendants required for persons with mobility disabilities
4. Any individuals within the group who would qualify for free admission as individual visitors.

## APPOINTMENTS/CANCELLATIONS/ALTERATIONS

1. Any group wishing to come outside normal visitor hours, or have a tour/programme, must have a confirmed booking with the Museum.
2. Any group arriving in advance of the booked time cannot be guaranteed admission until the booked time.
3. Any group arriving late, but within the parameters of its booking, cannot be guaranteed a full length programme/tour if such an extension runs into another booking or into normal visitor hours. Depending on the time available the Museum will make every effort to provide some form of tour or programme appropriate to the group and the remaining time. There is no adjustment made to the fee paid for a shortened programme/tour in such cases

4. Any group arriving late and completely outside the parameters of its booking, cannot even be guaranteed admission to the Museum depending on available staff and time of arrival. Such a group would be the equivalent of a "no show" and may be billed for staff time etc. depending on the circumstances involved.
5. The Museum reserves the right to alter/amend the programme or tour as originally booked if the group brings insufficient supervisors (student/child groups) or excessive numbers of participants (any group) for the original programme or tour to be carried out.
6. Cancellations:
  - a) Any group which cancels at least 72 hours in advance of the booking will not be charged.
  - b) Any group cancelling with less than 72 hours notice, not arriving at all, or arriving so late that conducting the programme/tour is impossible, will normally be charged the intended fee to help offset the staff costs etc.
  - c) Charging this fee is at the discretion of the Curator and may be waived under certain circumstances (extremely bad weather, death in organizer's family etc.)
7. The Museum staff make every effort to get the terms of the booking recorded correctly as requested by the group organizer. However, errors can be made which is why a confirmation is mailed to the group outlining date, time, costs, special requests etc. It is the group's responsibility to contact the Museum with any changes or corrections otherwise the booking will follow what is outlined on the confirmation.

#### GROUP FEE PAYMENT

1. Groups may arrange at the time of booking to be invoiced. Groups arriving without a booking must pay at the door.
2. Groups may pay in cash, traveller's cheques, or by cheque. The fee is due prior to the commencement of the tour/programme unless arrangements have been made for invoicing.

3. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or cheque which the staff consider to be suspect or too large for the cash float available. Personal cheques should be for the exact amount involved.
4. The Museum reserves the right to request payment in cash or by certified cheque from groups with a history of bad cheques, very delinquent payment of invoices etc. This is at the discretion of the Curator and such a request is made at in writing on the confirmation.
5. Groups arriving with far less than the booked number of visitors may be asked to pay for the originally booked number in order to help defray the cost of the extra staff brought in to cover the original size of the group.

This policy may not be altered without approval of the Hamilton Department of Culture & Recreation, and approval of Hamilton City Council where appropriate.

March 7, 1990

## ADMISSION POLICY - THE CHILDREN'S MUSEUM

The Children's Museum is open to all members of the public, during stated visitor hours, subject to the conditions outlined in this policy.

### NORMAL VISITOR HOURS

1. The Children's Museum is open to the public six days per week.  
  
Tuesday - Saturday, 10:00 a.m. - 4:00 p.m.  
Sunday, 1:00 p.m. - 4 p.m.  
Closed Monday
2. The last admission is at 3:30 p.m. Such visitors will be advised at 3:55 p.m. that the doors will close at 4:00 p.m.
3. The Museum is also closed on Christmas Day, Boxing Day and New Year's Day, also, every Monday, and during exhibit changes.

## INDIVIDUAL VISITORS

## GENERAL CONDITIONS:

1. All visitors must have a legal admission ticket, or waiver of admission fee, to enter the Museum.
2. Admission is a privilege and not a right. It may be denied to ticket holders for the following reasons:
  - a) It is outside public hours and there is no appointment.
  - b) The building is full. Access to the building may be denied temporarily until sufficient space has been created by the departure of visitors. This decision is made by the staff member on duty at the desk at the time.
  - c) There is an emergency in progress such as fire, theft, accident or power failure.
  - d) Behaviour in the building is disrupting other visitors and/or is perceived as a threat to the well being of visitors, staff, artifacts or the building. This decision is made by the senior staff member on duty and refunding any admission fee would be at the discretion of that staff member.
  - e) If the visitor is not appropriately dressed ie: Shirt, pants, & shoes.
3. The Museum takes every reasonable precaution to secure the safety and well being of its visitors but is not liable for any personal injury or property loss, however caused, suffered by such visitors, or any person in their care or custody, while on the premises or property of the Museum.

## GENERAL ADMISSION TICKET

1. A general admission ticket to The Children's Museum is issued to every individual purchasing an appropriate general admission ticket during visitor hours.
2. This ticket entitles the bearer access to the exhibits but not to any specific special events, group programmes etc.
3. The admission ticket is issued for that particular day, and as required for a specific time period.
4. The general admission ticket has an expiry date and may not be used at any time other than during the normal visitor hours stated in this policy.

5. For the purposes of accountability and possible refunds, the general admission ticket is considered to have no cash value.
6. The general admission ticket must be used by the appropriate person for that category of ticket, or by someone who qualifies for a lower category of ticket (ie. a child may use an adult ticket but not vice versa).
7. Unbooked groups will not be admitted if space for one hour is not available. They may at the senior staff person's decision break down into small "family" (4 - 6 people) sized groups , and will be admitted as space permits, for an hour or less, at the senior staff person's discretion.
8. Children must be accompanied by an adult. The staff on duty may grant exceptions to this policy at their own discretion.
9. During peak periods, any person in excess of the 44 maximum capacity will be given a number for same day admission for a one hour block on a first come/first serve basis. Telephone reservations are not available.
10. Visitors will be asked to wait outside the museum when the museum is filled to capacity . Visitors are requested to leave the ramp clear for use by person(s) with a disability(ies).
11. Leaving and returning to the museum on the same day is at the discretion of the staff on duty with the presentation of a receipt.
12. Washroom facilities are limited to use by museum visitors only.
13. No food, beverages, or smoking will be permitted within the museum.
15. The management is not responsible for loss and/or damage of personal belongings.
16. A camera may be used within the museum.
17. Animals, other than those required for mobility, are not permitted in the building.

Note: Visitor's cooperation is requested in leaving baby carriages outside the exhibit area when conditions are very crowded.

#### GENERAL ADMISSION TICKETS

1. A ticket to The Children's Museum may be obtained directly from the Museum, during normal visitor hours, under the following categories (see below) and prices:

- \$1.75 - Children ages 3 - 13 for the period July through February.
- Children ages 2 - 13 for age appropriate exhibits (applies to the period March through June).
- Adults, seniors, and students who are unaccompanied by a child.

- FREE - Adults, seniors, and students accompanied by a child
- Children under 3 (with the exception of age appropriate exhibits - see above)

This ticket entitles the bearer access to the exhibits but not to formal tours, special events or programmes.

N.B.: It should be noted that those persons with disabilities utilizing the museum's services as a visitor must pay the admission price, unless they are an adult, accompanying a child.

2. A general admission fee ticket is valid only at the time of purchase and for the person to whom it was issued.
3. A general admission fee ticket must be paid for at the time of purchase and in cash or by traveller's cheque.
4. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or traveller's cheque which the staff consider to be suspect or too large for the cash float available.
5. The Children's Museum staff at the reception desk will call the Dundurn Castle Gift shop to verify an exchange rate for USA funds, as required, at least once a week to confirm the current rate offered by the Gift shop, and the local banks (preferably after Thursday p.m.).

#### GENERAL ADMISSION CATEGORIES

The following categories, and definitions, are used at the Children's Museum for the purposes of attendance statistics:

ADULT: any individual who does not fit into any of the other categories. This category represents the standard full price admission rate from which the other categories are reduced.

SENIOR: available to any individual with a valid Seniors' card.

STUDENT: available to any individual, of any age, with a valid student card to any educational institution.

CHILD: available to any child from Day Care or Kindergarten levels to Grade 8 inclusive (those under age are admitted free).

Generally children aged 3 - 13 years, June through February.  
Children aged 2 - 13 years, March through June.

GUESTS: The following individuals are admitted without charge to The Children's Museum during normal visitor hours:

1. Any individual holding a valid pass issued by the Corporation of the City of Hamilton or by the Department of Culture and Recreation.
2. Those under two years of age, or three years of age, dependent upon the age appropriateness of the current exhibit.
3. Any member of the Hamilton City Council or Hamilton Historical Board.
4. Anyone with a valid, Department approved, coupon permitting a free admission.
5. Anyone holding a valid Canadian Museum Association or Ontario Museum Association membership card (any category).
6. Anyone holding a valid membership card for the Association of Youth Museums.
7. Any individual, who has legitimate business with a staff member or an appointment to use the research facilities, for whom access to the exhibits is deemed by the senior staff person to be appropriate. This includes members of the media, and tour leaders/teachers orienting themselves to the facility. Volunteers currently involved with the museum or those considering placement will also apply. Cooperative education students on placement will also apply under this policy.
8. Any individual who is going directly to the office or to the sales counter and is not planning to view the exhibits.

## GROUP VISITORS

## GENERAL CONDITIONS

1. All members of a group must have a legal admission ticket, or waiver of admission fee, to enter the Museum. They will provide the original copy of their confirmation form upon arrival.
2. Admission is a privilege and not a right. It may be denied to individuals within a group, or to a group as a whole, for the same reasons as outlined for individual visitors.
3. Student and Child tours must have sufficient adult chaperons as follows:
  - a) For group general admissions of: children under 6 years of age, it is recommended that at least one adult accompany every five children. For children under ten years of age it is recommended that there be an adult for every ten children. For children above the age of ten, it is recommended that at least one adult accompany the group, for every 15 children. Higher adult supervision and assistance is desirable. Older youths from the same school, on a placement, working as a teaching aid may accompany the group as a replacement for the adults, but not the teacher.
  - b) For group general admissions of 25 or more individuals, two adults minimum are desirable (one for each exhibit room).
  - c) For programmes, one adult for every sub-division into which the group will be split (normally two or more, at the Teachers'/Group Leaders' discretion).
4. Chaperons are responsible for the conduct and safety of those in their group while in the building or grounds.
5. The management reserves the right to limit the number of booking per ~~year~~, and the available time slots.
6. Group bookings must be made in advance. A confirmation will be forwarded to the Teacher/Leader prior to the visit date, mail service and time permitting. A phone call will be made as a reminder the Monday before the visit, staff time permitting. If a group books on short notice and may not be able to receive their mailed confirmation in time staff are responsible for verbally informing the group of all conditions listed on the confirmation.
7. Groups with special needs and concerns should make arrangements with the museum at the time of booking, or call and speak to the staff concerned, prior to the visit.

8. Group bookings are available from 9:30 a.m. to 2:30 p.m., Tuesday - Friday, in one hour blocks. Saturday bookings and summer bookings are restricted to one per day in the 9:30 a.m. - 10:30 a.m. time period.
9. No group bookings will be taken during March Break.

#### GENERAL ADMISSION TICKET

1. A general admission ticket to The Children's Museum is issued to every individual within a group when the group pays full price group admission to the site. This may take the form of one cash register receipt.
2. The Children's Museum general admission ticket does not apply at any other civic site, or after normal visitor hours.
3. Items 2 - 6 as outlined for individual visitors apply to group visitors.
4. The same conditions as outlined in items 1 - 2 for individual visitors apply to group visitors, who have not pre-booked. Pre-booked groups: the same conditions as outlined in item 2 for individual visitors.
5. Groups of 10 or more who have pre-booked (excluding any individuals within the group who qualify for free admission as outlined below) may take advantage of special discount rates as follows:

\$1.25 - Group Rate (per child ages 3 - 13)  
(per child ages 2 - 13 for age appropriate exhibits)

FREE - Adults, seniors, and students accompanied by a child  
- Children under 3 (with the exception of age appropriate exhibits - see above)

Minimum charge per group is \$12.50.

Teachers, educators, group leaders, and museum workers are offered free admission to the museum, to preview exhibits.

#### GENERAL ADMISSION CATEGORIES

The same definitions apply to group visitors as to individuals.

## TOURS AND EDUCATIONAL PROGRAMMES

1. Standard educational programmes of one hour when pre-booked are available to Adult, Student and Child groups at a Programme fee rate as follows:

Adult - \$1.25                  Student - \$1.25                  Child - \$1.25.

2. One hour (approximately) staff assisted tours of the exhibits are available to all types of groups at general admission fee rates (or group discount rates if applicable).
3. Standard educational programmes and group tours require advance bookings (see appropriate section below). The program is based upon a minimum of one hour. Time periods of less than one hour, may at the discretion of senior staff person on duty, be adapted to fit the remaining time period.
4. These programmes/tours are available during normal visitor hours, and the public with paid admission may observe or participate with the group at the discretion of the staff.
5. The maximum number for the educational programmes is 44 people including accompanying "adults". The maximum number for a tour is at the discretion of the senior staff (or Education Officer) at the time of booking.
6. Some groups may be allowed to double book, if all parties are in agreement, and the museum capacity rules are not intentionally violated. Some groups may choose to book two hours, the rate is then set at a double fee, equivalent to that of two booked tours.
7. If a group arrives and has not confirmed their numbers previously, the staff for safety reasons may refuse admission to all, or part of the group. The staff will seek to accommodate any group that has a legitimate reservation, all others will have to wait for a suitable opening.

## SPECIAL PROGRAMMES

1. Programmes designed by the staff specifically for various youth groups or other special segments of the visiting public are available from time to time.
2. Prices, conditions and times available for these programmes are determined by the Curator and set forth in literature provided by The Children's Museum.
3. Prices set reflect quantities of materials used, number of staff required to implement, length of time to complete programme and number of participants allowed.
4. These programmes are not normally available during visitor hours and therefore require an advance booking (see appropriate section below).

## GUESTS

The following groups, or individuals within a group, are admitted to the exhibits without charge, during normal admission hours:

1. Any group which has applied in advance to the Department of Culture & Recreation for a waiver of fees which has been granted and The Children's Museum duly notified to that effect.
2. With Adult/Senior
  - a) tour leaders
  - b) bus drivers
  - c) any attendants required for persons with mobility disabilities.
3. With Student/Child tour:
  - a) group leaders, teachers or official adult volunteer supervisors
  - b) bus drivers or, in the case of smaller groups, car pool drivers
  - c) any attendants required for persons with mobility disabilities.
  - d) any older students acting as teaching aids from the same school
4. Any individuals within the group who would qualify for free admission as individual visitors.
5. Members in good standing with current membership cards for the following organizations: Ontario Museum Association, The Canadian Museum Association, The Association of Youth Museums.

## APPOINTMENTS/CANCELLATIONS/ALTERATIONS

1. Any group wishing to come outside normal visitor hours, or have a tour/programme, must have a confirmed booking with the Museum.
2. Any group arriving in advance of the booked time cannot be guaranteed admission until the booked time.
3. Any group arriving late, but within the parameters of its booking, cannot be guaranteed a full length programme/tour if such an extension runs into another booking or would cause problems within the normal visitor hours. Depending on the time available the Museum will make every effort to provide some form of tour or programme appropriate to the group and the remaining time. There is no adjustment made to the fee paid for a shortened programme/tour in such cases.
4. Any group arriving late and completely outside the parameters of its booking, cannot even be guaranteed admission to the Museum depending on available space, staff and time of arrival. Such a group would be the equivalent of a "no show" and may be billed for staff time etc. depending on the circumstances involved.
5. The Museum reserves the right to alter/amend the programme or tour as originally booked if the group brings insufficient supervisors (student/child groups) or excessive numbers of participants (any group) for the original programme or tour to be carried out. Also, if specific staff (ie: French interpreter) can not be available at the actual time of the visit.
6. Cancellations:
  - a) Any group which cancels at least 48 hours in advance of the booking will not be charged.
  - b) Any group cancelling with less than 72 hours notice, not arriving at all, or arriving so late that conducting the programme/tour is impossible, will be charged the ( as of September 5, 1989 as an example) \$20.00 to help offset costs etc..
  - c) Charging this fee is at the discretion of the Curator and or the Education Officer, and may be waived under certain circumstances (extremely bad weather, death in organizer's family etc.)
  - d) Late cancellations are "generally" charged for the minimum group fee.
  - e) No Show bookings are charged for the full number of booked visitors, or in small groups, for the minimum booking fee.

7. The Museum staff make every effort to get the terms of the booking recorded correctly as requested by the group organizer. However, errors can be made which is why a confirmation is mailed to the group outlining date, time, costs, special requests etc. It is the group's responsibility to contact the Museum with any changes or corrections otherwise the booking will follow what is outlined on the confirmation.

#### GROUP FEE PAYMENT

1. Groups may not arrange at this time to be invoiced. Groups arriving with or without a booking must pay at the door.
2. Groups may pay in cash, traveller's cheques, or by cheque. The fee is due prior to the commencement of the tour/programme unless arrangements have been made for invoicing.
3. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or cheque which the staff consider to be suspect or too large for the cash float available. Personal cheques should be for the exact amount involved, and not made out to a third party. Two pieces of identification will be required for personal cheques, when groups have not pre-booked, and been sent a confirmation.
4. The Museum reserves the right to request payment in cash or by certified cheque from groups with a history of bad cheques, very delinquent payment of invoices etc. This is at the discretion of the Curator or the Education Officer, and such a request is made at the time of booking or in writing on the confirmation.
5. Groups arriving with far less than the booked number of visitors may be asked to pay for the originally booked number in order to help defray the cost of the extra staff brought in to cover the original size of the group.
6. Groups arriving without funds to pay for the museum visit will be admitted at the discretion of the senior staff person on duty. This would only apply to pre-booked groups. An I.O.U. will be drawn up by the cashier on duty, under the approval of the senior staff person on duty. Payment must be made, in an acceptable form before that week's end, late charges may apply after that time. Those respective charges to be decided by the responsible civic official.
7. Cheques that "bounce" will be dealt with according to civic policy.

This policy may not be altered without approval of the Hamilton Department of Culture & Recreation, and approval of Hamilton City Council where appropriate.

March 7, 1990

## ADMISSIONS POLICY

### THE HAMILTON MUSEUM OF STEAM AND TECHNOLOGY

#### 1.0 PREAMBLE

- 1.1 The Hamilton Museum of Steam and Technology is owned and operated by the City of Hamilton under the direction of the City of Hamilton, Department of Culture and Recreation.
- 1.2 The museum's operations will be under the direct supervision of the Curator. The Curator will report directly to the Manager of Heritage Services and, through the Manager, to the Hamilton Historical Board.
- 1.3 The Museum has been established primarily to preserve the 1859 Hamilton Waterworks Pumping station consisting of the engine house, the Gartshore Beam engines, the boiler house, woodshed and such other buildings or artifacts which may be added to the collection from time to time. In addition, through exhibition, the Museum will interpret to the general public the history of the waterworks, past and present, its founders and the impact on the industrial and social growth of Hamilton.
- 1.4 The Hamilton Museum of Steam and Technology is open to all members of the public, subject to the conditions outlined in this policy.

#### 2.0 VISITOR HOURS

- 2.1 The Hamilton Museum of Steam and Technology is open to public seven days per week.
- 2.2 The Museum is open from 11:00 to 4:00 from June 1 to Labour Day. During the remainder of the year, the Museum is open 1:00 to 4:00.
- 2.3 The last admission of the day is at 4:00. At 4:30, all remaining visitors in the museum will be advised that the doors will close at 4:45.
- 2.4 The Museum is closed on Christmas Day and New Year's Day.

### 3.0 INDIVIDUAL VISITORS

#### 3.1 General Conditions

- 3.1.1 All visitors must have a valid admission ticket, or waiver of admission fee, to enter the Museum.
- 3.1.2 Admission is a privilege, not a right. Admission to museum buildings may be denied to members of the public, at the discretion of the senior staff member on duty, when:
  - 3.1.2.1 The individuals or group arrive at the site outside of visitor hours without a pre-arranged appointment; or
  - 3.1.2.2 The admission of additional individuals or groups of individuals to one of the museum buildings would exceed the occupancy load as specified for that building; or
  - 3.1.2.3 An emergency is in progress such as a fire, theft, accident or power failure; or
  - 3.1.2.4 The behaviour of these same individuals or groups of individuals is deemed by the senior staff member on duty to be a threat to the safety, well being or enjoyment of visitors, staff, artifacts or the building.
- 3.1.3 The Museum takes every reasonable precaution to ensure the safety and well being of its visitors, but is not liable for any personal injury or property loss, however caused, suffered by such visitors, or any person in their care or custody, while on the premises or property of the Museum.
- 3.1.4 The Museum does permit the use of hand held, available light photographic and/or video equipment except where its use endangers either the collection or visitors or by prior arrangement.

#### 3.2 General Admission Ticket

- 3.2.1 The general admission ticket entitles the bearer access to the exhibits in the museum but not necessarily to all special events, services, temporary exhibit or group programmes etc.
- 3.2.2 The general admission ticket has no expiry date and may be used at any time during the normal visitor hours stated in this policy.
- 3.2.3 For the purposes of accountability and possible refunds, the general admission ticket is considered to have no cash value.
- 3.2.4 The general admission ticket must be used by the appropriate person for that category of ticket.

### 3.3 General Admission Fee

3.3.1 A ticket to the Museum may be obtained directly from the Museum, during normal visitor hours, subject to the following provisions and prices:

- |         |          |          |
|---------|----------|----------|
| 3.3.1.1 | Adult    | - \$1.75 |
|         | Seniors  | - \$1.25 |
|         | Students | - \$1.25 |
|         | Children | - \$1.25 |
- Children under 5 years of age are admitted free
- 3.3.1.2 A general admission fee ticket must be paid for at the time of purchase and in cash or by traveller's cheque.
- 3.3.1.3 The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or traveller's cheque which the staff consider to be suspect or too large for the cash float available.
- 3.3.1.4 Adults with a mobility disability may be offered the Senior admission rate at the time of ticket purchase.

### 3.4 General Admission Categories

3.4.1 For the purposes of general admission tickets and general admission fee tickets, the following categories and definitions apply:

- |         |         |   |  |
|---------|---------|---|--|
| 3.4.1.1 | Adult   | - | Any individual who does not fit into any of the other categories. This category represents the standard full price admission rate from which the other categories are reduced. |
| 3.4.1.2 | Senior  | - | Any individual with a valid Senior's card.   |
| 3.4.1.3 | Student | - | Any individual of any age with a valid student card to any educational institution.  |
| 3.4.1.4 | Child   | - | Any individual between 5 and 12 years of age. Individuals under 5 years of age are admitted free of charge.  |

### 3.5 GUESTS

#### 3.5.1 The following categories of individuals are admitted without charge to the Museum:

- 3.5.1.1 Any individual holding a valid pass issued by the Corporation of the City of Hamilton or by the Department of Culture and Recreation.
- 3.5.1.2 Those under 5 years of age.
- 3.5.1.3 Any member of the Hamilton City Council or Hamilton Historical Board.
- 3.5.1.4 Any individual with a valid, Department approved, coupon permitting a free admission.
- 3.5.1.5 Any individual holding a valid Ontario Museum Association membership card (any category).
- 3.5.1.6 Any individual holding a valid Pump House Association membership card.
- 3.5.1.7 Any individual who has a pre-arranged project with a member of the museum staff or an appointment to use the research facilities, for whom access to the exhibit area is deemed by the senior staff member present to be appropriate.
- 3.5.1.8 Any individual who is going directly to the office or to the sales counter and is not planning to view the exhibits.

#### 4.0 GROUP VISITORS

##### 4.1 General Conditions

- 4.1.1 All members of a group must have a valid admission ticket, or waiver of admission fee, to enter the Museum.
- 4.1.2 Admission is a privilege, not a right. It may be denied to individuals within a group, or to a group as a whole, on the basis of the provisions outlined in Section 3.1.2.
- 4.1.3 Student and child groups must have one adult chaperon for every 15 students or children or portion of a multiple of 15.
- 4.1.4 Chaperons are responsible for the conduct and safety of those in their group while in the buildings or on the grounds of the museum.
- 4.1.5 The Museum does permit the use of hand held, available light photographic and/or video equipment except where its use endangers either the collection or visitors or by prior arrangement.

##### 4.2 General Admission Ticket

- 4.2.1 Conditions as outlined in Section 3.2.1 - 3.2.4 outlining apply to Group General Admission Tickets.

##### 4.3 General Admission Fee

- 4.3.1 Conditions as outlined in Section 3.3.1 apply to Group General Admission Fees.
- 4.3.2 Groups of 25 or more (excluding any individuals within the group who qualify for free admission as outlined below) may take advantage of special discount rates as follows:

4.3.2.1	Adult	-\$1.50
	Senior	-\$1.00
	Student	-\$1.00
	Children	-\$1.00

##### 4.4 General Admission Categories

- 4.4.1 Conditions outlined in Section 3.4.1 apply to Group General Admission Categories.

#### 4.5 Tours and Educational Programmes

- 4.5.1 Standard educational programmes and group tours are available to groups of the public at the fee schedule outlined in Section 3.3.1.
- 4.5.2 Groups of 25 or more may take advantage of special discount rates as outlined in 4.3.2.
- 4.5.3 Standard educational programmes and group tours require advance booking.
- 4.5.4 Programmes and tours are not available during visitor hours, except at the discretion of the staff.
- 4.5.5 There are no minimum size required for a booking, although those under 10 individuals may be discouraged unless it is in the participants' best interest. The maximum number for the educational programmes is limited to 45 people. Museum staff may establish a lower limit for some education programmes at their discretion.

#### 4.6 Special Programmes

- 4.6.1 Programmes designed by the staff specifically for various youth groups or other special segments of the visiting public are available from time to time.
- 4.6.2 Prices, conditions and booking times for these programmes are determined by the Curator and are set forth in literature provided by the Museum.
- 4.6.3 These programmes are not normally available during visitor hours, except at the discretion of museum staff, and, therefore, require an advance booking.

#### 4.7 Guests

- 4.7.1 The following groups, or individuals within groups, of individuals are admitted to the Museum without charge:
  - 4.7.1.1. Any group which has applied in advance to the Department of Culture and Recreation for a waiver of fees which has been granted and the Museum duly notified to that effect.
  - 4.7.1.2 All tour or group leaders, teachers or designated adult volunteer supervisors, chaperons, bus or car pool drivers, and all attendants required for persons with mobility disabilities.
  - 4.7.1.3 Any individuals eligible for free admission under the provisions of Section 3.5.1.

#### 4.8 Appointments, Cancellation and Alterations

- 4.8.1 Any group wishing to visit the museum outside the normal visitor hours, or to receive a tour, educational programme or special programme must have confirmed booking with the Museum.
- 4.8.2 Any group arriving in advance of the booked time cannot be guaranteed admission until the booked time.
- 4.8.3 Any group arriving late, but within the parameters of its booking, cannot be guaranteed a full length programme/tour if such an extension runs into another booking or into normal visitor hours.
- 4.8.4 Any group arriving after the parameters of its booked time, cannot be guaranteed admission to the Museum, except at the discretion of the senior staff member present based on staff availability.
- 4.8.5 In the event that a group does not arrive at the booked time, museum staff will make very effort to provide a tour or programme appropriate to the group. There is no adjustment made to the fee for the shortened or altered tour in such circumstances.
- 4.8.6 In the event that a group arrives with insufficient supervisors or significantly more or fewer participants, the museum reserves the right to alter or amend the programme or tour to ensure safety.
- 4.8.7 In the event of a group cancelling or failing to arrive for a booked programme, the following terms will apply:
  - 4.8.7.1 Any group which cancels more than 72 hours in advance will not be charged.
  - 4.8.7.2 Any group cancelling with less 72 hours notice, failing to arrive, or arriving late such that conducting the tour or programme becomes impossible, will normally be charged the full fee.
  - 4.8.7.3 The fee described in Section 4.8.7.2 above may be waived at the discretion of the Curator in the event of reasonable extenuating circumstances (bad weather, breakdowns etc).
- 4.8.8 The Museum staff make every effort to record the terms of the booking correctly as requested by the group organizer. To ensure that errors are corrected, museum staff will mail to the group leader a confirmation sheet outlining all pertinent sheet (size of group, ages, time, type of programme etc). It is the group leader's responsibility to check the sheet and notify the Museum in at least 72 hours in advance of any changes or corrections.

#### 4.9 Group Fee Payment

- 4.9.1 Groups may arrange at the time of booking to be invoiced. Groups arriving without a booking must pay at the door.
- 4.9.2 Groups may pay in cash, traveller's cheques, money order or cheque. The fee is due prior to the commencement of the tour or programme unless arrangements have been made for invoicing.
- 4.9.3 The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or cheque which the staff considers to be suspect or too large for the cash float available. Cheques should be made out to the "Hamilton Museum of Steam and Technology".

This policy may not be altered without approval of the Hamilton Department of Culture and Recreation, and approval of Hamilton City Council where appropriate.

March 8, 1990

## ADMISSION POLICY - HAMILTON MILITARY MUSEUM

The Hamilton Military Museum is open to all members of the public, during stated visitor hours, subject to the conditions outlined in this policy.

### NORMAL VISITOR HOURS

1. The Hamilton Military Museum is open to the public seven days per week:

June 1 to Labour Day from Noon to 5:00 p.m.

Rest of the year from 2:00 p.m. to 5:00 p.m.

2. Last admission is at 5:00 p.m. Such visitors will be advised at 5:30 p.m. that the doors will close at 5:45 p.m.
3. The Museum is closed on Christmas Day and New Year's Day.

## INDIVIDUAL VISITORS

### GENERAL CONDITIONS

1. All visitors must have a legal admission ticket, or waiver of admission fee, to enter the Museum.
2. Admission is a privilege and not a right. It may be denied to ticket holders for the following reasons:
  - a) It is outside public hours and there is no appointment.
  - b) The building is full. Access to the building may be denied temporarily until sufficient space has been created by the departure of visitors. This decision is made by the staff member on duty at the desk at the time.
  - c) There is an emergency in progress such as fire, theft, accident or power failure.
  - d) Behaviour in the building is disrupting other visitors and/or is perceived as a threat to the well being of visitors, staff, artifacts or the building. This decision is made by the senior staff member on duty and refunding any admission fee would be at the discretion of that staff member.
  - e) The visitor is not wearing a top and/or shoes.
3. The Museum takes every reasonable precaution to secure the safety and well-being of its visitors but is not liable for any personal injury or property loss, however caused, suffered by such visitors, or any person in their care or custody, while on the premises or property of the Museum.
4. Strollers and any type of large and/or awkward object are not permitted beyond the reception area.
5. No food, drink or smoking is permitted in the building.
6. Animals, other than those required for mobility, are not permitted in the building.
7. Hand held cameras are permitted.

### COMBINED GENERAL ADMISSION TICKET

1. A combined general admission ticket to the Military Museum is issued to every individual purchasing a full price Dundurn Castle general admission ticket during Dundurn Castle visitor hours.
2. This ticket entitles the bearer access to the exhibits but not to any special events, group programmes etc.
3. This ticket is of the same category (see below) as the Dundurn Castle ticket.

4. The combined general admission ticket has no expiry date and may be used at any time during the normal visitor hours stated in this policy.
5. For the purposes of accountability and possible refunds, the combined general admission ticket is considered to have no cash value.
6. The combined general admission ticket must be used by the appropriate person for that category of ticket, or by someone who qualifies for a lower category of ticket ie. a child may use an adult ticket but not vice versa.

#### GENERAL ADMISSION TICKET

1. A ticket to the Military Museum may be obtained directly from the Museum, during normal visitor hours, under the following categories (see below) and prices:

Adult	- \$1.50
Senior	- \$1.25
Student	- \$1.25
Child	- \$1.00

This ticket entitles the bearer access to the exhibits but not to formal tours, special events or programmes.

2. A general admission ticket is valid only at the time of purchase and for the person to whom it was issued.
3. A general admission ticket must be paid for at the time of purchase and in cash or by traveller's cheque.
4. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or traveller's cheque which the staff consider to be suspect or too large for the cash float available.
5. Adults with a mobility disability may be offered the Senior admission rate at the time of ticket purchase.

#### GENERAL ADMISSION CATEGORIES

The following categories, and definitions, are used at the Hamilton Military Museum for the purposes of combined general admission tickets and general admission tickets:

**ADULT:** any individual who does not fit into any of the other categories. This category represents the standard full price admission rate from which the other categories are reduced.

**SENIOR:** available to any individual with a valid Seniors' card.

**STUDENT:** available to any individual, of any age, with a valid student card to any educational institution.

**CHILD:** available to any child from Kindergarten to Grade 8 inclusive (those under 5 are admitted free).

#### **GUESTS**

The following individuals are admitted without charge to the Hamilton Military Museum during normal visitor hours:

1. Any individual holding a valid pass issued by the Corporation of the City of Hamilton or by the Department of Culture and Recreation.
2. Those under five years of age.
3. Any member of the Hamilton City Council or Hamilton Historical Board.
4. Anyone with a valid, Department approved, coupon permitting a free admission.
5. Anyone holding a valid Canadian Museums Association or Ontario Museum Association membership card (any category).
6. Anyone holding a valid Organization of Military Museums of Canada membership card.
7. Any individual, who has legitimate business with a staff member or an appointment to use the research facilities, for whom access to the exhibits is deemed by the senior staff person to be appropriate. This includes members of the media, and tour leaders/teachers orienting themselves to the facility.
8. Any individual who is going directly to the office or to the sales counter and is not planning to view the exhibits.

## GROUP VISITORS

### GENERAL CONDITIONS

1. All members of a group must have a legal admission ticket, or waiver of admission fee, to enter the Museum or the group leader must have a proper receipt for the group.
2. Admission is a privilege and not a right. It may be denied to individuals within a group, or to a group as a whole, for the same reasons as outlined for individual visitors.
3. Student and Child tours must have sufficient adult chaperons as follows:
  - a) For group general admissions of under 25 individuals, one adult.
  - b) For group general admissions of 25 or more individuals, two adults (one for each exhibit floor).
  - c) For programmes, one adult for every sub-division into which the group will be split (normally two).
4. Chaperons are responsible for the conduct and safety of those in their group while in the building or grounds.

### COMBINED GENERAL ADMISSION TICKET

1. A combined general admission ticket to the Military Museum is issued to every individual within a group when the group pays full price general admission to Dundurn Castle.
2. Military Museum general admission tickets are not available to groups who pay the Dundurn Castle discount rates or who arrive at Dundurn Castle outside their normal visitor hours.
3. Items 2 - 6 as outlined for individual visitors apply to group visitors.

### GENERAL ADMISSION TICKET

1. The same conditions as outlined in items 1 - 5 for individual visitors apply to group visitors.
2. Groups of 25 or more (excluding any individuals within the group who qualify for free admission as outlined below) may take advantage of special discount rates as follows:

Adult	- \$1.35
Senior	- \$1.10
Student	- \$1.10
Child	- \$0.90

## GENERAL ADMISSION CATEGORIES

The same definitions apply to group visitors as to individuals.

## TOURS AND EDUCATIONAL PROGRAMMES

1. Standard educational programmes of one to one-and-a-half hours are available to Student and Child groups at a Programme fee rate as follows:

Student - \$1.50

Child - \$1.25

2. Groups of 25 or more paying individuals are offered discount programme rates as follows:

Student - \$1.35

Child - \$1.10

3. Guided tours of the exhibits are available to all types of groups at general admission ticket rates (or group discount rates if applicable).
4. Standard educational programmes and group tours require advance bookings (see appropriate section below).
5. These programmes/tours are not available during normal visitor hours, except exhibit tours for small groups which may be booked in visitor hours at the discretion of the staff.
6. There are no minimum required numbers for a booking, though those under 10 individuals may be discouraged unless it is in the participants' best interests. The maximum number for the educational programmes is one class or 35 people. The maximum number for a tour is at the discretion of the staff at the time of booking.

## SPECIAL PROGRAMMES

1. Programmes designed by the staff specifically for various youth groups or other special segments of the visiting public are available from time to time.
2. Prices, conditions and times available for these programmes are determined by the Curator and set forth in literature provided by the Military Museum.
3. Prices set reflect quantities of materials used, number of staff required to implement, length of time to complete programme and number of participants allowed.

4. These programmes are not normally available during visitor hours and therefore require an advance booking (see appropriate section below).

#### GUESTS

The following groups, or individuals within a group, are admitted to the exhibits without charge:

1. Any group which has applied in advance to the Department of Culture & Recreation for a waiver of fees which has been granted and the Military Museum duly notified to that effect.
2. With Adult/Senior tour:
  - a) tour leaders
  - b) bus drivers
  - c) any attendants required for persons with a mobility disability
3. With Student/Child tour:
  - a) group leaders, teachers or official adult volunteer supervisors
  - b) bus drivers or, in the case of smaller groups, car pool drivers
  - c) any attendants required for persons with mobility disabilities
4. Any individuals within the group who would qualify for free admission as individual visitors.

#### APPOINTMENTS/CANCELLATIONS/ALTERATIONS

1. Any group wishing to come outside normal visitor hours, or have a tour/programme, must have a booking with the Museum.
2. Any group arriving in advance of the booked time cannot be guaranteed admission until the booked time.
3. Any group arriving late, but within the parameters of its booking, cannot be guaranteed a full length programme/tour if such an extension runs into another booking or into normal visitor hours. Depending on the time available the Museum will make every effort to provide some form of tour or programme appropriate to the group and the remaining time. There is no adjustment made to the fee paid for a shortened programme/tour in such cases.
4. Any group arriving late and completely outside the parameters of its booking, cannot be guaranteed admission to the Museum depending on available staff and time of arrival. Such a

- group would be the equivalent of a "no show" and may be billed for staff time etc. depending on the circumstances involved.
5. The Museum reserves the right to alter/amend the programme or tour as originally booked if the group brings insufficient supervisors (student/child groups) or excessive numbers of participants (any group) for the original programme or tour to be carried out.
  6. Cancellations:
    - a) Any group which cancels at least 72 hours in advance of the booking will not be charged.
    - b) Any group cancelling with less than 72 hours notice, not arriving at all, or arriving so late that conducting the programme/tour is impossible, will normally be charged the intended fee to help offset the staff costs etc.
    - c) Charging this fee is at the discretion of the Curator and may be waived under certain circumstances (extremely bad weather, death in organizer's family etc.)
  7. The Museum staff make every effort to get the terms of the booking recorded correctly as requested by the group organizer. However, errors can be made which is why a confirmation is mailed to the group outlining date, time, costs, special requests etc. It is the group's responsibility to contact the Museum with any changes or corrections otherwise the booking will follow what is outlined on the confirmation.

#### GROUP FEE PAYMENT

1. Groups may arrange at the time of booking to be invoiced. Groups arriving without a booking must pay at the door.
2. Groups may pay in cash, traveller's cheques, or by cheque. The fee is due prior to the commencement of the tour/programme unless arrangements have been made for invoicing.
3. The Museum will accept payment in either Canadian funds, or American funds of equivalent value. The Museum reserves the right to refuse to handle any note or cheque which the staff consider to be suspect or too large for the cash float available. Personal cheques should be for the exact amount involved.
4. The Museum reserves the right to request payment in cash or by certified cheque from groups with a history of bad cheques, very delinquent payment of invoices etc. This is at the

discretion of the Curator and such a request is made at in writing on the confirmation.

5. Groups requesting the discount rate at the time of booking but which arrive with less than 25 paying individuals will be charged the full rate.
6. Groups arriving with far less than the booked number of visitors may be asked to pay for the originally booked number in order to help defray the cost of the extra staff brought in to cover the original size of the group.

This policy may not be altered without approval of the Hamilton Department of Culture & Recreation, and approval of Hamilton City Council where appropriate.

7 March 1990

## ADMISSIONS POLICY - DUNDURN CASTLE

Dundurn Castle is open to all members of the public, during stated visitor hours, subject to the conditions outlined in this policy.

### NORMAL VISITOR HOURS

1. Dundurn Castle is open to the public seven days per week:  
June 1 to Labour Day from 11:00 a.m. to 4:00 p.m.  
Rest of the year from 1:00 p.m. to 4:00 p.m.
2. The last tickets are sold at 4:00 p.m. Such visitors will receive a standard length tour beginning at 4:05 p.m. to allow for travel from the Gift Shop.
3. Dundurn Castle is closed on Christmas Day and New Year's Day.

INDIVIDUAL VISITORS

## GENERAL CONDITIONS

1. All visitors must have a legal admission ticket, or waiver of admission fee, to enter the Castle.
2. Admission is a privilege and not a right. It may be denied to ticket holders for the following reasons:
  - a) It is outside public hours and there is no appointment.
  - b) The building is full. Access to the building may be denied temporarily until sufficient space has been created by the departure of visitors. This decision is made by the senior staff member on duty on the floor at the time.
  - c) There is an emergency in progress such as fire, theft, accident or power failure.
  - d) Behaviour in the building is disrupting other visitors and/or is perceived as a threat to the well being of visitors, staff, artifacts or the building. This decision is made by the senior staff member on duty and refunding any admission fee would be at the discretion of that staff member.
  - e) The visitor is not wearing a top and/or shoes.
3. Dundurn Castle takes every reasonable precaution to secure the safety and well-being of its visitors but is not liable for any personal injury or property loss, however caused, suffered by such visitors, or any person in their care or custody, while on the premises or property of the Castle.
4. Strollers, umbrellas, large parcels and any other types of large and/or awkward objects are not permitted beyond the reception area.
5. No food, drink or smoking is permitted in any of the buildings.
6. Animals, other than those required for mobility, are not permitted in the buildings.
7. Photography using hand held cameras and regular museum lighting is permitted. Tripods and flashes are not to be used without prior arrangements with the Curator.

## GENERAL ADMISSION FEE

1. A ticket to Dundurn Castle is obtained only at Dundurn Castle, during normal visitor hours, under the following categories (see below) and prices:

Adult	-	\$3.25
Senior	-	\$2.25
Student	-	\$2.00
Child	-	\$1.25
2. The general admission fee ticket entitles the bearer access to the restored portions of the building and/or to the exhibition gallery if in use but not to special events or programmes. Access is by guided tour or self-guided with introduction as determined by the staff.
3. A general admission fee ticket is valid only on the day of purchase and for the person to whom it was issued.
4. A general admission fee ticket must be paid for at the time of purchase and in cash or by traveller's cheque.
5. The Castle will accept payment in either Canadian funds, or United States funds of equivalent value. The Castle reserves the right to refuse to handle any note or traveller's cheque which the staff consider to be suspect or too large for the cash float available.
6. Adults with a mobility disability may be offered the Senior admission rate at the time of ticket purchase.
7. A full price general admission fee ticket to Dundurn Castle includes a general admission fee ticket of the same category for the Hamilton Military Museum. The Military Museum ticket is valid at any time during that Museum's normal visitor hours.

## GENERAL ADMISSION CATEGORIES

The following categories, and definitions, are used at the Dundurn Castle for the purposes of general admission fee tickets:

**ADULT:** any individual who does not fit into any of the other categories. This category represents the standard full price admission rate from which the other categories are reduced.

**SENIOR:** available to any individual with a valid Seniors' card.

STUDENT: available to any individual, of any age, with a valid student card to any educational institution.

CHILD: available to any child from age 3 to Grade 8 inclusive (those under 3 are admitted free).

#### GUESTS

The following individuals are admitted without charge to Dundurn Castle during normal visitor hours:

1. Any individual holding a valid pass issued by the Corporation of the City of Hamilton or by the Department of Culture and Recreation.
2. Those under three years of age.
3. Any member of the Hamilton City Council or Hamilton Historical Board.
4. Anyone with a valid, Department approved, coupon permitting a free admission.
5. Anyone holding a valid Ontario Museum Association membership card (any category).
6. Any individual, who has legitimate business with a staff member or an appointment to use the research facilities, for whom access to the exhibits is deemed by the senior staff person to be appropriate. This includes members of the media, and tour leaders/teachers orienting themselves to the facility.
7. Any individual who is going directly to the office and is not planning to view the exhibits.

GROUP VISITORS

## GENERAL CONDITIONS

1. All members of a group must have a legal admission ticket, or waiver of admission fee, to enter the Museum or the group leader must have a proper receipt for the group.
2. Admission is a privilege and not a right. It may be denied to individuals within a group, or to a group as a whole, for the same reasons as outlined for individual visitors.
3. Student and Child tours must have sufficient adult chaperons, which is at least one adult for every sub-division into which the group will be split. The number of sub-divisions varies with age, group size and type of tour or programme chosen. The minimum number of chaperons is established at the time of booking and written into the confirmation.
4. Chaperons are responsible for the conduct and safety of those in their group while in the building or grounds.

## GENERAL ADMISSION FEE

1. The same conditions as outlined in items 1 - 6 for individual visitors apply to group visitors.
2. Groups of 25 or more (excluding any individuals within the group who qualify for free admission as outlined below) may take advantage of special discount rates as follows:

Adult	-	\$2.90
Senior	-	\$2.00
Student	-	\$1.80
Child	-	\$1.10

(These discounted rates do not include a ticket to the Hamilton Military Museum)

## GENERAL ADMISSION CATEGORIES

The same definitions apply to group visitors as to individuals.

## TOURS AND EDUCATIONAL PROGRAMMES

1. One hour guided tours of the restored portions of Dundurn Castle, plus the exhibit gallery when there is an exhibition on view, are available to all types of groups at general admission fee rates (or group discount rates if applicable).
2. Educational/special programmes, and group tours outside of normal visitor hours, require advance bookings (see appropriate section below).
3. There are no minimum required numbers for a booking, though groups under 10 individuals may be discouraged unless it is in the participants' best interests. The maximum number for the educational programmes varies with each programme and is established at the time of booking. Some programmes are not available to larger groups. Accepting a booking is at the discretion of the staff.

## SPECIAL PROGRAMMES

1. Programmes designed by the staff specifically for various youth groups or other special segments of the visiting public are available from time to time.
2. Prices, conditions and times available for these programmes are determined by the Head Historical Interpreter and set forth in literature provided by Dundurn Castle.
3. Prices set reflect quantities of materials used, number of staff required to implement, length of time to complete programme and number of participants allowed.
4. These programmes are not normally available during visitor hours and therefore require an advance booking (see appropriate section below).

## GUESTS

The following groups, or individuals within a group, are admitted to the building without charge:

1. Any group which has applied in advance to the Department of Culture & Recreation for a waiver of fees which has been granted and Dundurn Castle duly notified to that effect.
2. With Adult/Senior tour:
  - a) tour leaders
  - b) bus drivers
  - c) any attendants required for participants with disabilities.

3. With Student/Child tour:
  - a) group leaders, teachers or official adult volunteer supervisors
  - b) bus drivers or, in the case of smaller groups, car pool drivers
  - c) any attendants required for persons with mobility disabilities.
4. Any individuals within the group who would qualify for free admission as individual visitors.

#### APPOINTMENTS/CANCELLATIONS/ALTERATIONS

1. Any group wishing to come outside normal visitor hours, or have a special/educational programme, must have made a booking with the Museum.
2. Any group arriving in advance of the booked time cannot be guaranteed admission until the booked time.
3. Any group arriving late, but within the parameters of its booking, cannot be guaranteed a full length programme/tour if such an extension runs into another booking or well beyond normal visitor hours (ie. staff overtime). Depending on the time available the Castle will make every effort to provide some form of tour or programme appropriate to the group and the remaining time. There is no adjustment made to the fee paid for a shortened programme/tour in such cases.
4. Any group arriving late and completely outside the parameters of its booking, cannot be guaranteed admission to the building depending on available staff and time of arrival. Such a group would be the equivalent of a "no show" and may be billed for staff time etc. depending on the circumstances involved.
5. The Castle reserves the right to alter/amend the programme or tour as originally booked if the group brings insufficient supervisors (student/child groups) or excessive numbers of participants (any group) for the original programme or tour to be carried out.
6. Cancellations:
  - a) Any group which cancels at least 72 hours in advance of the booking will not be charged.
  - b) Any group cancelling with less than 72 hours notice, not arriving at all, or arriving so late that conducting the programme/tour is impossible, will normally be charged the intended fee to help offset the staff costs etc.

- c) Charging this fee is at the discretion of the Curator and may be waived under certain circumstances (extremely bad weather, death in organizer's family etc.)
- 7. The Castle staff make every effort to get the terms of the booking recorded correctly as requested by the group organizer. However, errors can be made which is why a confirmation is mailed to the group outlining date, time, costs, special requests etc. It is the group's responsibility to contact the Castle with any changes or corrections otherwise the booking will follow what is outlined on the confirmation.

#### GROUP FEE PAYMENT

- 1. Groups may arrange at the time of booking to be invoiced. Groups arriving without a booking must pay at the time of arrival.
- 2. Groups may pay in cash, traveller's cheques or by cheque. The fee is due prior to the commencement of the tour/programme unless arrangements have been made for invoicing.
- 3. Dundurn Castle will accept payment in either Canadian funds, or United States funds of equivalent value. The Castle reserves the right to refuse to handle any note cheque or traveller's cheque which the staff consider to be suspect or too large for the cash float available. Personal cheques should be for the exact amount involved.
- 4. Dundurn Castle reserves the right to request payment in cash or by certified cheque from groups with a history of bad cheques, very delinquent payment of invoices etc. This is at the discretion of the Head Historical Interpreter. Such a request will be made in writing on the confirmation.
- 5. Groups requesting the discount rate at the time of booking but which arrive with less than 25 paying individuals will be charged the full rate.
- 6. Groups arriving with far less than the booked number of visitors may be asked to pay for the originally booked number in order to help defray the cost of the extra staff and/or supplies brought in to cover the original size of the group.

This policy may not be altered without approval of the Hamilton Department of Culture & Recreation, and approval of Hamilton City Council where appropriate.

\* REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its SIXTH Report for 1990 and respectfully recommends:

1. (a) That the following actions by the Director of Public Works in responding to the instability of the escarpment of Mountain Brow Park between Ben Lomond, and the Sherman Access be approved;
  - i. - closure of east leg of the Sherman Access  
 - advance signing advising of closure  
 - use of fire hydrant and water  
 - closure of sidewalk on Mountain Park Avenue  
 - photography  
 - arrangements for dump site .....\$ 9 000
  - ii. - awarding of the consulting work for the  
 stabilization to Trow Ontario Ltd. in the  
 amount of \$45 000 ..... 45 000
  - iii. - awarding of the contract for the initial phase  
 of the escarpment stability to Underground  
 Services (1983) Ltd. for an amount of \$125 000 ... 125 000
  - iv. - awarding of the contract for the second phase  
 of the escarpment stability to Underground  
 Services (1983) Ltd., for an amount of \$250 000 .. 250 000

TOTAL COST                      \$429 000
- (b) That the Finance and Administration Committee be requested to determine the method of financing for the total amount of the work \$429 000, until the Parks and Recreation Committee, the Transport and Environment Committee and the Engineering Services Committee can determine their respective sources of funding.

THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS THAT:

- (A) THE CITY TREASURER BE AUTHORIZED TO FINANCE THE ESCARPMENT STABILIZATION PROJECT - MOUNTAIN BROW PARK BETWEEN BEN LOMOND AND THE SHERMAN ACCESS IN THE TOTAL ESTIMATED AMOUNT OF \$429 000 FROM THE RESERVE FOR CAPITAL PROJECTS. *-CARRIED-*
- (B) THE CITY TREASURER BE AUTHORIZED TO COLLECT FUNDS ON APPROVAL OF THE COST SHARING ARRANGEMENTS BETWEEN THE PARKS AND RECREATION COMMITTEE (CITY), TRANSPORT AND ENVIRONMENT COMMITTEE (CITY) AND THE ENGINEERING SERVICES COMMITTEE (REGION) IN EQUAL SHARES OF \$143 000 AS ESTIMATED. *-CARRIED-*

*\* Report added during Council*

- (C) THE CITY CLERK BE AUTHORIZED TO FORWARD A COPY OF THIS RESOLUTION TO THE REGIONAL CLERK FOR APPROVAL OF THE COST SHARING ARRANGEMENTS BY THE ENGINEERING SERVICES COMMITTEE IN THE AMOUNT OF \$143 000 AS OUTLINED IN THE LETTER OF MR. J. G. PAVELKA, P.ENG., DIRECTOR OF PUBLIC WORKS DATED 1990 MARCH 27.  
-CARRIED-

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 March 27

/lp

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SEVENTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
  - (a) 86 Ward Avenue
  - (b) 137 Simcoe Street East
  - (c) 219 Bay Street North
  - (d) 110 Deschene Avenue
2. That the City of Hamilton accept title from Benemar Construction Inc. for lands shown as Block "122" of the approved draft plan of subdivision known as "The Gardens of Rymal" as outlined in the attached map marked as Appendix "A".

NOTE: These lands are designated for park purposes. The lands are to be used as credit in lieu of a cash payment for the 5% parkland dedication requirement, for all phases of development. The owner's solicitor is to prepare the necessary deed and certify title to the City.

- \*3. (a) That the Ministries of Municipal Affairs, Housing and Government Services be advised to take a leadership role in developing appropriate Provincially-owned lands in the City of Hamilton, for affordable housing; and,
  - (b) That a copy of the staff report related to this matter be forwarded to the Ministries of Municipal Affairs, Housing and Government Services for their information.

NOTE: On 1989 October 31, Hamilton City Council directed staff to identify Provincially-owned lands within the City of Hamilton. A general review of all Provincially-owned lands in Hamilton was undertaken to determine basic potential for affordable housing opportunities. As a result of this review, properties were identified with potential for housing development. Given this potential, the Provincial Government should be encouraged to assume a leadership role and develop suitably located lands within the City of Hamilton for affordable housing.

Copies of the staff report respecting this matter were distributed to members of the Planning and Development Committee and are available from the Committee Secretary upon request.

\* Recorded vote, see page 2273

4. (a) That approval be given to Zoning Application 89-124, Mary Agnes Kosar and Gail Elizabeth Holmes, owners, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "C" (Urban Protected Residential, etc.) District, for property located at 648 Upper Paradise Road, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That the subject lands be rezoned from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-37A & W-37B for presentation to City Council;
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
- (iv) That the Fessenden Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double" residential;

- (b) That the residential building setback policy as established by City Council for properties adjacent to the East-West Freeway Corridor, be amended to provide for a minimum building setback of 18.84 m (62.0 ft.) for the subject property whereas 22.86 (75 ft.) is required.

NOTE: The purpose of the By-law is to provide for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District for property located at 648 Upper Paradise Road.

The effect of the By-law is to permit development of the property for a single-family dwelling.

- \* 5. (a) That approval be given to Zoning Application 89-129, J. Beume Real Estate Ltd., owner, for a change in zoning from "L-c" (Planned Development Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2", to permit a seven storey building containing a bank, restaurant, and offices, for property located at the northwest corner of James Street North and Vine Street, as shown on the attached map marked as Appendix "C", on the following basis:

\* *Recorded vote, see page 2273*

- (i) That the lands described as Block "1" be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;
  - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
    - (1.) That notwithstanding Section 14(5) of Zoning By-law No. 6593, a building having a gross floor area of not more than 5.3 times the area of the lot shall be permitted;
    - (2.) That notwithstanding Section 14(2)(ii) of Zoning By-law No. 6593, no side yard shall be required along the easterly and northerly side lot lines for the building having a height of not more than 7 storeys and not more than 30 metres in height;
    - (3.) That notwithstanding Section 14(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 3.0 m shall be provided and maintained;
    - (4.) That notwithstanding Section 18A(1)(d), a minimum of two loading spaces having minimum dimensions of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained.
  - (iii) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Schedule S-1168, and that the subject lands on Zoning District Map W-5 be notated S-1168;
  - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council; and,
  - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the subject lands.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2".

The effect of the By-law is to permit development of the subject lands for a seven storey commercial building containing a bank, restaurant and offices. In addition, the By-law also provides the following variances as special provisions:

- (a) To permit a maximum gross floor area ratio of 5.3 whereas 4.0 is permitted;
- (b) To permit a maximum 7 storey building height whereas 4 storeys are permitted;
- (c) To permit a maximum building height of 30 metres whereas 17 metres is permitted;
- (d) No east or north side yards instead of the required 3.0 m east and north side yards;
- (e) To permit a minimum rear yard depth of 3.0 m instead of the required 4.5 m; and
- (f) To permit two small (9.0 m x 3.7 m x 4.3 m) loading spaces instead of the two required large loading spaces (18.0 m x 3.7 m x 4.3 m).

6. That approval be given to Zoning Application 90-11, Walter Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at 79 Rymal Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
  - (i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier of not less than 1.2 m and not more than 2.0m in height shall be provided and maintained along the entire southerly rear lot line;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1169, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1169;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- \* (f) That the amending By-law not be forwarded for passage by City Council until such time as an up-to-date survey of the subject lands has been submitted to the Director of Local Planning.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for property located at 79 Rymal Road West.

The effect of the By-law is to permit future commercial development for the subject property. In addition, the By-law requires that a minimum 3.0 m wide landscape planting strip and, a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

7. That approval be given to amended Zoning Application 90-04, Serge Gelly, owner, requesting a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the conversion of the front porch of the existing building to an office for a home improvement business, for the property located at 1039 Main Street East, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - (i) That notwithstanding Sections 11A(1), 11A(3), 11A(5), and 11A(6), enclosure of the existing roofed-over side and front porch of the existing building for use as a home improvement business office shall be permitted.
    - (ii) That notwithstanding Section 11A(1)(iv), one ground sign, wall sign or projecting sign having an area of not more than 3.0 m<sup>2</sup> non illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial use shall be permitted.
  - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-746b, and that the subject lands on Zoning District E-44 be notated S-746b;

\* Section 6(f) added during Council

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-44 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for the property located at 1039 Main Street East.

The effect of the by-law is to permit the enclosure of the existing front and side porch of the existing building (51.3 m<sup>2</sup>) for an office for a home improvement business.

In addition, the by-law permits one ground sign, wall sign or projecting sign having an area of not more than 3.0 m<sup>2</sup> non illuminated or illuminated by interior means only and no closer than 1.5 m from the street line.

8. That Zoning Application 90-10, V. Baotic, applicant and part owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a public hall (banquet hall) and a billiard room or penny arcade in the basement of the existing commercial plaza located at 314 to 318 Queenston Road, as shown on the attached map marked as Appendix "F" be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of use, in that adequate parking cannot be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.
- (c) It conflicts with the intent of Council adopted policy respecting the criteria used to evaluate the merits of applications to permit penny arcades, in that two schools are situated less than 1000 feet from the subject property.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

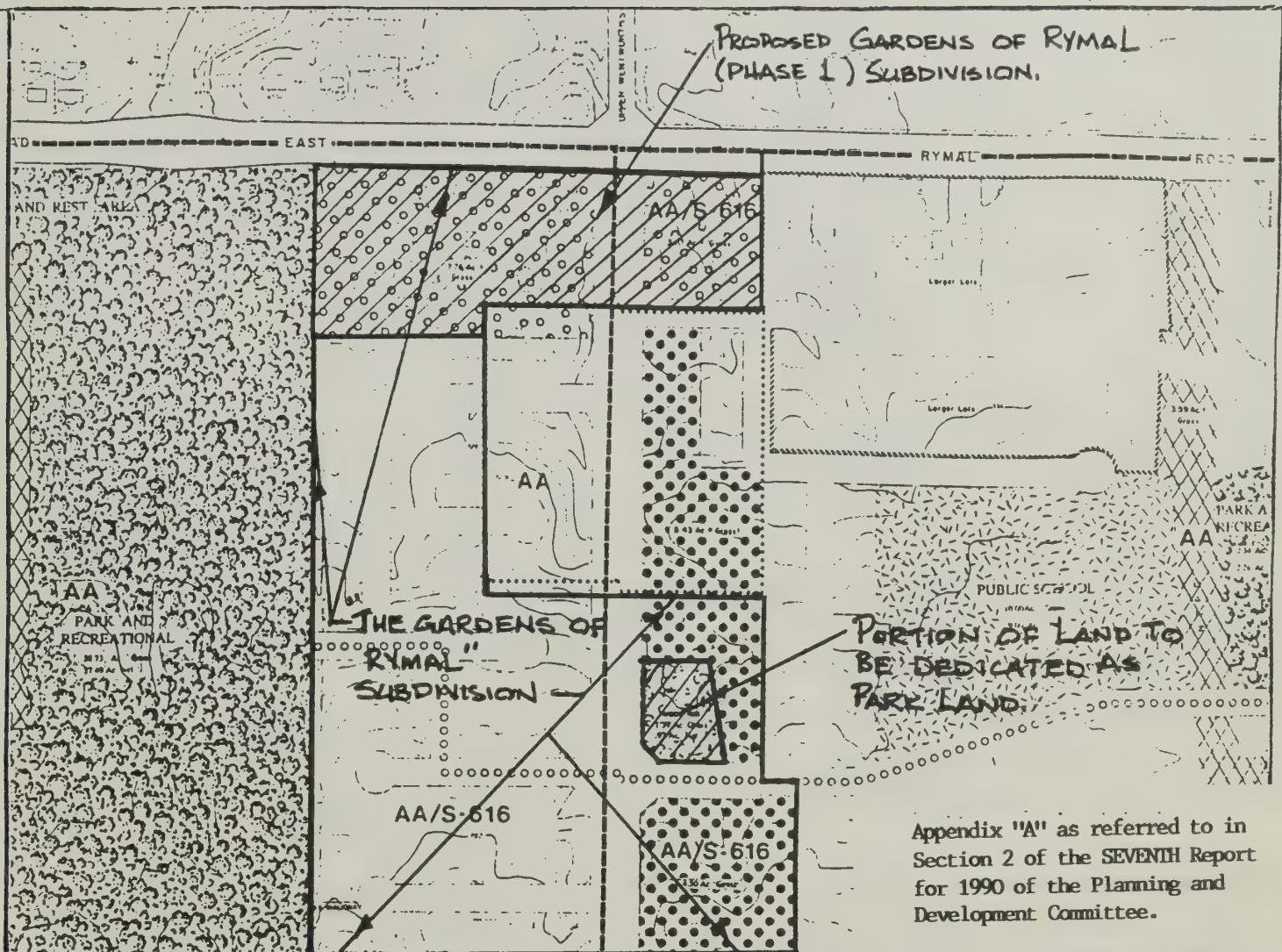
9. That leave be granted to introduce the following bills:

- (a) Bill D-38 A By-law to designate land located at Municipal Nos. 219-227 Ferguson Avenue South as property of Historic and Architectural Value and Interest.
- (b) Bill D-39 A By-law to remove part of "Lillian Heights - Phase 2" Registered Plan of Subdivision from Part-Lot Control.
- (c) Bill D-40 A By-law to remove part of "Aquino Gardens" Registered Plan of Subdivision from Part-Lot Control.
- (d) Bill D-41 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 335 Rymal Road East.

Respectfully submitted,

ALDERMAN W. McCULLOCH, ACTING CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 March 21



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

# LEGEND:

- Board of Education for the City of Hamilton Existing School Sites
- Possible Bike Route

## LAND USE

- |           |                           |
|-----------|---------------------------|
| [Pattern] | single & double           |
| [Pattern] | attached housing          |
| [Pattern] | low density apartments    |
| [Pattern] | medium density apartments |
| [Pattern] | high density apartments   |
| [Pattern] | commercial & apartments   |
| [Pattern] | COMMERCIAL                |
| [Pattern] | INDUSTRIAL                |
| [Pattern] | CIVIC & INSTITUTIONAL     |
| [Pattern] | PARK & RECREATIONAL       |
| [Pattern] | OPEN SPACE                |
| [Pattern] | UTILITIES                 |

- Neighbourhood Boundary
- Zoning Boundary

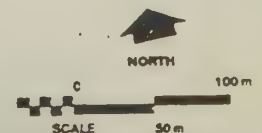
Approvals

Planning Committee NOV. 1, 1989 Council NOV. 14, 1989

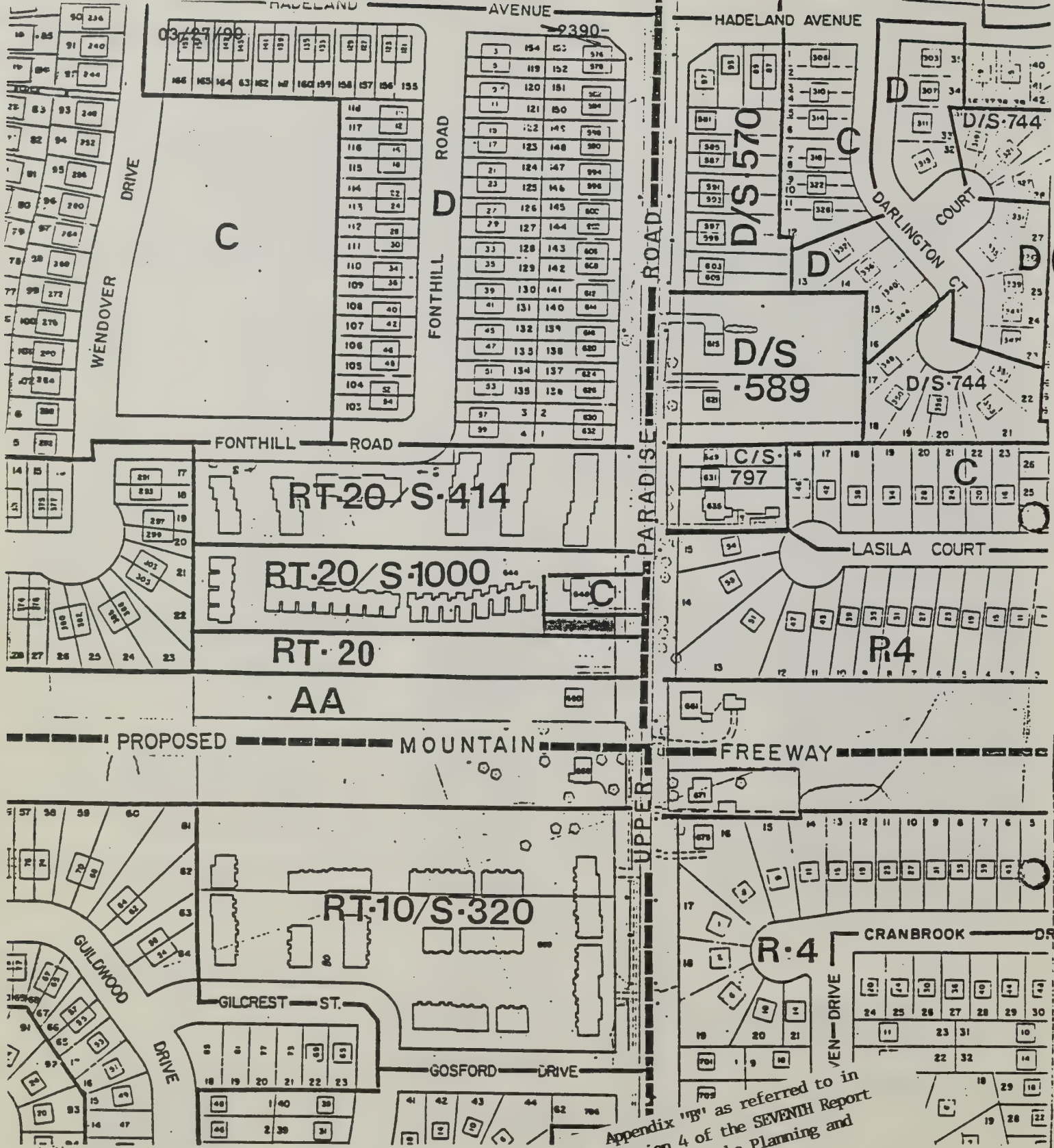
Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON  
PLANNING DEPARTMENT  
CHAPPEL EAST  
CHAPPEL WEST

APPROVED PLAN



EXISTING POPULATION (1988) 10



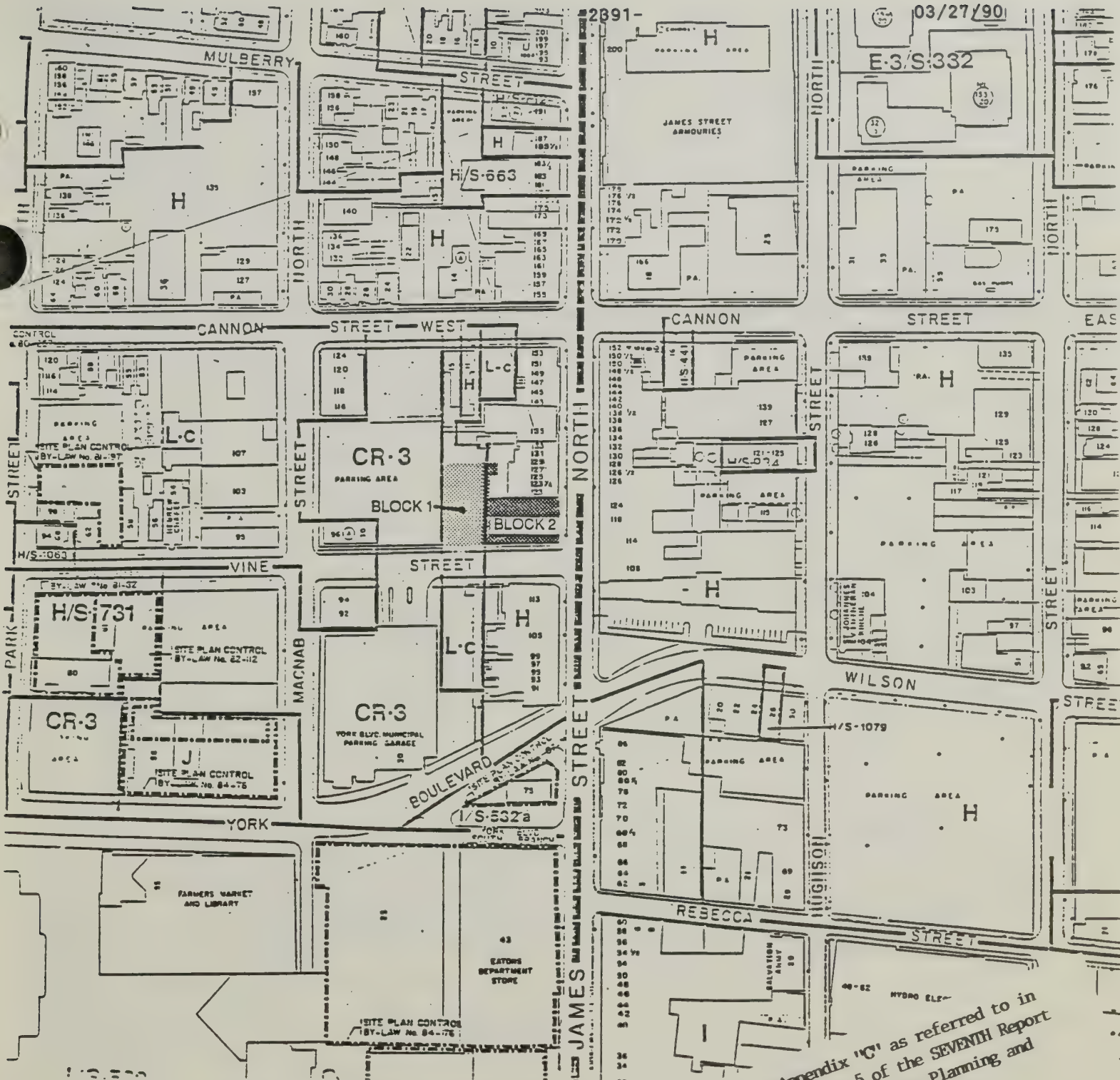
# **LEGEND**



**SITE OF THE APPLICATION**



Appendix "B" as referred to in  
Section 4 of the SEVENTH Report  
for 1990 of the Planning and  
Development Committee.



Appendix "C" as referred to in  
 Section 5 of the SEVENTH Report  
 for 1990 of the Planning and  
 Development Committee.



**Legend**



Change in zoning from "L-C" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified.



Modification to the "H" (Community Shopping and Commercial, etc.) District.

03/27/90

2392  
G-1/S-1051

AA

B-1

C

HH

RYMAI ROAD WEST

HH/S-1145

HH/S-1032

HH/S-1120

HH/S-1128

C/S706

KENNEDY

AVENUE

HH

STREET  
UPPER JAMES

B

HH

MALTON

DRIVE

CAMPUS CENTER  
RECTOR

B

ALDERSON

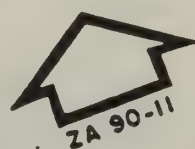
CHRISTIE STREET

Appendix 'D' as referred to in  
Section 6 of the SEVENTH Report  
for 1990 of the Planning and  
Development Committee.

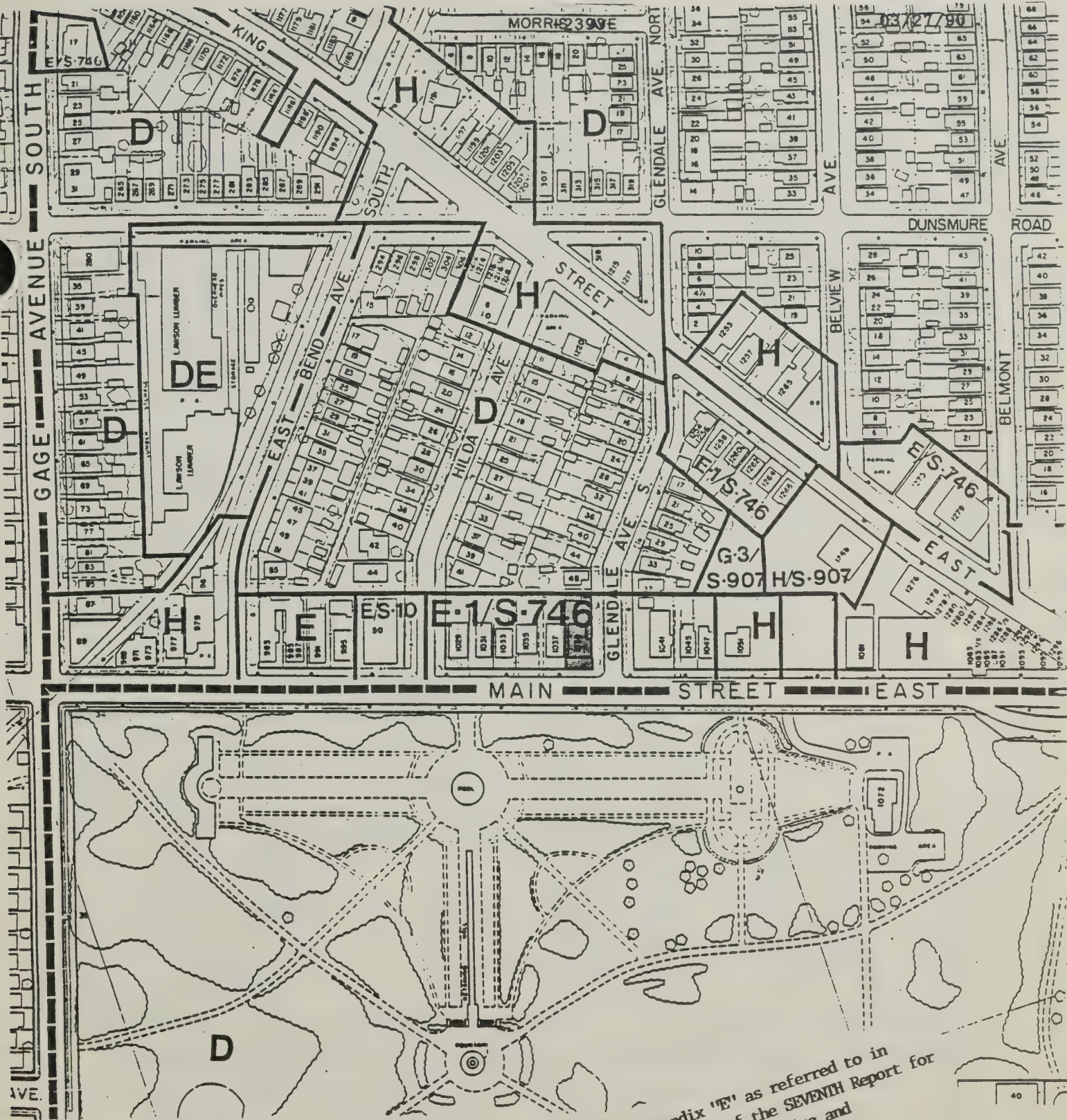
LEGEND



SITE OF THE APPLICATION



APPENDIX A



# LEGEND

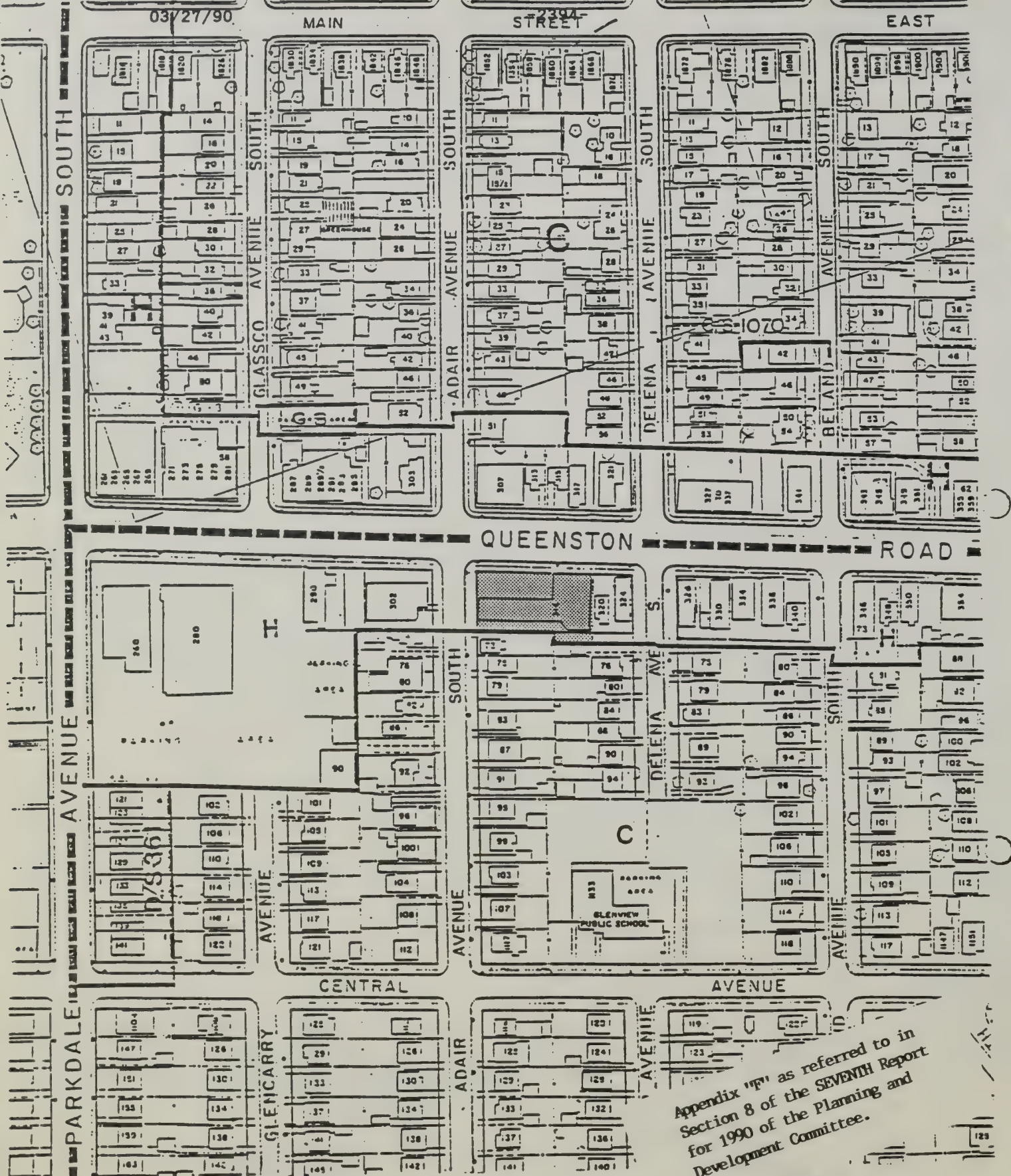


SITE OF THE APPLICATION

Appendix 'E' as referred to in  
Section 7 of the SEVENTH Report for  
1990 of the Planning and  
Development Committee.



APPENDIX A



MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, APRIL 10, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT; Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury,  
Copps, Christopherson, Agostino, Lombardo, Smith, Jackson,  
Ross, Murray.

ABSENT: Alderman Merling (vacation)  
Alderman Gallagher (vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

Pastor Ivars Gaide, Christ Lutheran Church, led the Council in prayer.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) National Wild Life Week - April 8-14, 1990
- (b) Earth Week, 1990 - April 21-28
- (c) Earth Day, 1990 - April 22
- (d) Volunteer Week - April 22-28, 1990

\* \* \* \* \*

Cheques and plaques were presented to Mr. J. Bradley and Mr. J. Needham, first and second prize winners of the Public Service Announcement "Keep Hamilton Clean" Competition.

\* \* \* \* \*

The minutes of the meeting of March 27, 1990, were taken as read and approved.

\* \* \* \* \*

The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Letter dated March 22, 1990, from Mr. Larry Staples, Secretary, Hamilton, Professional Fire Fighters Association, Local 288, I.A.F.F., respecting negotiations between the City and the Hamilton Professional Fire Fighters Association, Local 288, I.A.F.F. RECEIVED.
2. Letter dated March 21, 1990, from Mr. Michael K. Wood, Deputy Clerk, Town of Oakville, Ontario, respecting the 1990 first tax installment requisition for education purposes. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.
3. Application dated March 27, 1990, from 591613 Ontario Inc., P.O. Box 7379, Ancaster, Ontario, for a modification to the zoning of property located at 57 Rymal Road West. RECEIVED.
4. Application dated March 28, 1990, from Select Site Properties Limited, 654 The East Mall, Suite 204, Etobicoke, Ontario, for changes in zoning of property located at 315 Centennial Parkway North. RECEIVED.
5. Application dated March 28, 1990, from Dominic Carnicelli et al, Carriage Gate Homes Ltd., P.O. Box 4038, Station "D", Hamilton, Ontario, for a change in zoning of properties located at 620 Stone Church Road East, and 1406, 1141, 1418, 1422 and 1430 Upper Sherman Avenue. RECEIVED.
6. Application dated March 30, 1990, from Forest James Investments Ltd. (Ronald Cupido), 90 John Street South, Hamilton, Ontario, for a change in zoning of property located at 120 Cannon St. East. RECEIVED.
7. Application dated April 2, 1990, from 527919 Ontario Limited, 64 Keyworth Trail, Scarborough, Ontario, for a modification to the zoning of property located at 150 Sanford Avenue North. RECEIVED.
8. Application dated April 3, 1990, from Patron Holdings Limited, 21 Brockley Drive, Stoney Creek, Ontario, for a change in zoning of property located at 45 Rifle Range Road. RECEIVED.
9. Summary of Discussion of Initiatives and Resolutions from the Big City Mayors Caucus on Housing, held March 29-31, 1990, in Vancouver, British Columbia. RECEIVED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Jackson in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT.

Recorded vote on Section 5. (Re: "It's All Greek To Me!"  
Restaurant, 283 King  
Street East - Rental of  
Parking Spaces.")

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Christopherson, Agostino, Smith, Ross. - 10.

NAYS: Aldermen Agro Hinkley, Lombardo, Jackson, Murray. - 5.  
CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - TWELFTH REPORT.

Recorded vote on Section 1. (Re: Joint Financing of 1990  
Memorial Cup.)

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 13.

NAYS: Aldermen Kiss, Copps. - 2. CARRIED.

\* \* \* \* \*

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTH REPORT.

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE - SEVENTH REPORT.

Recorded vote on Section 5. (Re: Beach Community Recreation Program - Lakeland Pool.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. - 14.

NAYS: Alderman Ross. - 1. CARRIED.

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Drury.

RESOLVED: that Sub-Clause (i) of Subsection (a) of Section 5, of the FIFTH Report of the Parks and Recreation Committee, adopted by City Council at its meeting held on Tuesday, March 27, 1990, reading as follows:

"5. (a) That approval be granted to schedule the three major Hamilton Summer Festivals for 1990 as follows:

- Earthsong - June 29, 30, July 1 at Gage Park",

be now reconsidered. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Drury.

RESOLVED: that Sub-Clause (i) of Subsection (a) of Section 5 of the FIFTH Report of the Parks and Recreation Committee, adopted by City Council at its meeting held on Tuesday, March 27, 1990, be amended by deleting the words "Gage Park" and inserting in lieu thereof the words "Dundurn Park". -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Drury, Agostino, Smith, Jackson, Ross, Murray. - 9.

NAYS: Aldermen McCulloch, Copps. - 2. CARRIED.

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Drury.

RESOLVED: that Sub-Clause (i) of Subsection (a) of Section 5 of the FIFTH Report of the Parks and Recreation Committee, adopted by City Council at its meeting held on Tuesday, March 27, 1990, be adopted, as amended. - CARRIED.

\* \* \* \* \*

(D) PLANNING AND DEVELOPMENT COMMITTEE - EIGHTH REPORT.

It was moved by Alderman Smith and seconded by Alderman Ross.

RESOLVED: that Section 5, re Capital Expansion Plans for Parking in the Central Business District, be amended by deleting the words "the Central Area Planning Implementation Committee" in the fourth sentence of the first paragraph of the 'NOTE' and substituting in lieu thereof the words "The Hamilton Parking Authority." - CARRIED.

\* \* \* \* \*

Recorded vote on Section 23. (Re: Co-Operative/Non-Profit Multiple Dwelling at 286 Sanford Avenue North.)

YEAS: Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Murray. - 10.

NAYS: Mayor Morrow; Aldermen Agro, Lombardo, Smith, Ross. - 5. CARRIED.

\* \* \* \* \*

(N) THE NOMINATING COMMITTEE - FIRST REPORT.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-14, A-15,  
B-40, B-41, B-42, B-43, B-44.  
D-42, D-43, D-44, D-45.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,  
Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that  
Council move into Committee of the Whole (second reading) to consider the  
following Bills, with Alderman Jackson in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,  
Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on  
the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury. Copps, Christopherson,  
Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time.

A-14, A-15,  
B-40, B-41, B-42, B-43, B-44,  
D-42, D-43, D-44, D-45.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,  
Agostino, Lombardo, Smith, Jackson, Ross, Murray. - 13.

NAYS; 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 9.45 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its ELEVENTH Report for 1990 and respectfully recommends:

1. That the purchase order to Nordic Systems Inc., Mississauga, in the amount of \$228 503 for the supply and delivery of one (1) small Foam Truck, Hamilton Fire Department, previously approved by Council, be increased by \$3 450 to provide a heavier cab/chassis/drive train and larger wheels/brakes.

NOTE: Sufficient funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X502 00101.

2. (a) That purchase orders be issued for Pool Renovations at Churchill Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

Union Boiler Co., Hamilton

In the amount of \$12 800 for the removal and disposal of Pool Equipment

Western Plumbing & Heating, Hamilton

In the amount of \$74 900 for the replacement of the Pool Filtration System

- (b) That a contract be entered into with Western Plumbing & Heating satisfactory to the City Solicitor.

NOTE: Only tenders received. Funds provided in Renovations Pool Filtration, Churchill Recreation Centre, Account number to be established.

3. That a purchase order be issued to Arpro Construction and Industrial Corporation, Etobicoke, in the amount of \$12 603.42 to provide all necessary labour and materials to construct new Washroom Partitions at Ryerson Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) quotations received. Funds provided in Major Maintenance, Account No. CF 5255 318941003.

4. (a) That a civic gold ring be awarded to Mr. Scott Sehl for winning the National title in the 1989 Canadian Motorcycle Association's Ice Racing Championship in the 600 cc Senior Class.
- (b) That civic gold pins be awarded to the following members of the Steel City Riders for winning the following events in the Ontario Provincial Championships:

Phil Ashmore	- Enduros	- Veteran Unlimited Class
Chad Fleck	- Ice Racing	- 250 Junior Class
Peter Kocher	- Road Racing	- Lightweight Production Class
Shaun MacIntosh	- Road Racing	- Heavyweight Production Class
Mike Liberty	- Road Racing	- Lightweight Modified Class

5. That civic gold rings be awarded to the following members of the Mohawk Mountaineers Men's Soccer Team (Mohawk College Athletic Department) for winning the 1989 Canadian Colleges Athletic Association National Men's Soccer Championships held at the Southern Alberta Institute of Technology 1989 November 9-11:

Joaquim Gonzalez	John Van Aken
Peter Jedryk	Edward Presta
Dennis Piccolotto	Chris Paroyan
Denis Kompare	Craig Howells
Darren Koerber	Albert Cantarelli
Robert Pretto	Paul Fenwick
Joel Lynch	Peter Otto
Tio Mascia	Michael Wortel
Mauro Ciampa	Fab Panetta
Tim Kyowski	John McDonald
Wayne Fletcher	Tom Bell
Joe Cvitak	

6. That approval be given to the request of the Ukrainian Canadian Congress to use the City Hall forecourt and equipment, and the City Council Chambers in case of inclement weather, Thursday 1990 April 26 from 7:30 p.m. to 8:30 p.m. for a commemorative service to mark the 4th Anniversary of the nuclear disaster in Chernobyl, Ukraine.

7. (a) That an Offer to Purchase executed by Theatre Aquarius Inc. on 1990 March 26 and scheduled for closing on or before 1990 May 17, be approved and completed.

NOTE: The sale of the City owned lands are in the block bounded by Walnut Street, King William Street and Ferguson Avenue North, shown as Parts 1 and 4 on Registered Plan 62R-10833, having an area of 5,622.29 square metres (60,519.90 square feet). The purchase price of \$1.00 is to be credited to Reserve for Property Purchases, Account No. CH 4X501 00102.

- (b) That an Authority to Enter upon the lands in the block bounded by Walnut Street, King William Street and Ferguson Avenue North executed by Theatre Aquarius Inc. on 1990 March 26 to allow entry for construction purposes prior to closing be approved and completed.

NOTE: In adopting Item 9 of the FOURTH Report of the Executive Committee, City Council on 1987 February 24 approved the sale of the City owned land located in the block bounded by Walnut Street, King William Street and Ferguson Avenue North to Theatre Aquarius for the sum of \$1.00 subject to the following conditions:

- (i) Theatre Aquarius proceeding by the year 1992, with the construction of a theatre facility to accommodate 500-550 seats with provision to expand in the future to approximately 700-800 seats at a total estimated cost of \$6 million.
- (ii) The City obtaining the site back at no cost, or receive full market value compensation in the event Theatre Aquarius ceases to use the site for theatre purposes.
- (iii) The City continue to own and operate this site as a parking lot until immediately prior to actual physical construction on the site.

The abutting alleyways are also to be sold to Theatre Aquarius, to close 60 days after the enactment of a by-law to close up and sell a portion of the said alleyways.

8. That the Appointments To and Terminations from Permanent positions with the Corporation to March 28, 1990, attached hereto and marked Appendix "A", be approved.

9. That the following resolutions be endorsed:

- (a) City of Gloucester respecting grants payable to local municipalities for a Correctional Institution.

WHEREAS subsection 160(3) of the Municipal Act, Chapter 302, R.S.O. 1980, as amended limits the grant payable to a local municipality for a correctional institution located in that municipality to \$75 per resident of the institution;

AND WHEREAS the Regional Detention Centre is located in the City of Gloucester;

AND WHEREAS the amount of \$75 per resident of the Regional Detention Centre is unrealistically low, given the level of fire and police service provided to the Centre by the City of Gloucester;

AND WHEREAS the typical grant-in-lieu payment for another provincially owned property would be substantially higher under the Municipal Tax Assistance Act, Chapter 311, R.S.O. 1980, as amended;

NOW THEREFORE, the Council for the Corporation of the City of Gloucester resolves as follows:

1. That Council hereby expresses its support for the amendment of subsection 160(3) of the Municipal Act to specifically exempt Detention Centres from the application of this subsection.
2. That Council hereby expresses its support for the amendment of sections 3 and 4 of the Municipal Tax Assistance Act to bring detention centres under the typical grant-in-lieu payments scheme for provincially owned property.
3. That Council hereby expresses its support for the retroactive application of both amendments to January 1, 1990.
4. That this resolution be sent to all Ontario municipalities in which detention centres are located, to the Association of Municipalities of Ontario, the Municipal Finance Officers Association, and to the Association of Municipal Tax Collectors in order to seek these municipalities' and associations' support for the above amendments.

5. That this resolution be sent to both the Minister of Correctional Services and the Minister of Municipal Affairs.

(b) Township of Rochester respecting the Provincial Health Care System.

THAT WHEREAS we have seen story after story of people needing surgery either going to Detroit, Michigan or dying as they waited for our Provincial health care system to fulfil its promise of providing service to people when it is needed;

AND WHEREAS, two year old Joel Bondy's death has become the centre of controversy because of his six month wait and the fact that the hospital despite complaining of a lack of funding and nursing staff, did its first heart transplant shortly before Joel died;

AND WHEREAS, the Ontario Health Ministry has not given approval nor funding to the Hospital for Sick Children's heart transplant program;

AND WHEREAS, there is an indication that the medical documents pertaining to Joel Bondy were requested by the U.S. hospital and were withheld;

AND WHEREAS, the boy's surgery was moved ahead when it was learned he would go to the United States for his operation but it was a day too late;

AND WHEREAS, Ontario and Canada not so many years ago had the best health care system in the world;

AND WHEREAS, it seems that human lives are being expended in exchange for monetary values;

THEREFORE, be it resolved that we hereby beseech the Health Minister to take immediate action to assure that the health care system in Ontario provide the health services for which it was designed and further that recognition and affirmative action to ensure that human lives shall not be exchanged for monetary values and further that all Ontario municipalities be so notified and further notify their particular Provincial and Federal members of Parliament, AMO and the County levels of government or Regional levels of government be so notified.

10. (a) That His Worship Mayor Robert M. Morrow be requested to arrange a meeting with all local MPP's to discuss the issue of Provincial/Municipal funding relationships.
- (b) That Mr. E. C. Matthews, Treasurer, be authorized and directed to assess the various provincial costs that have been transferred to the City of Hamilton to determine the total costs of mandated programs and to prepare a "mock" invoice for review and approval of the Finance and Administration Committee to be presented to the local MPP's.
11. (a) That the contract with T.T. & P. Design Consultants and General Contracting Inc. for renovations to the City owned buildings known as the Balfour Carriage House (654 Garth Street) be terminated.
- (b) That a payment of \$22 000 be made to T.T. & P. Design Consultants and General Contracting Inc. conditional on T.T. & P. and the City executing a mutual release of their obligations and liabilities under this contract, in a form satisfactory to the City Solicitor. The release will provide for full settlement of the value of the work T.T. & P. completed under this contract.

NOTE: This is a mutual termination of the contractual agreement.

- \*12. (a) That permission be granted for a four (4) month trial period to "It's all Greek to me!" Restaurant, 283 King Street East, to rent four (4) parking spaces in the Jarvis Square Parking Lot for an Outdoor Patio.
- (b) That the Director of Property be directed to establish a rental fee for use of this area based on fair market value.
- (c) That the appropriate staff be authorized and directed to take the necessary steps to give effect to this resolution.
13. That leave be granted to introduce the following Bills:
- (a) Bill A-14 A By-law to Appoint a City Solicitor for The Corporation of the City of Hamilton.
- (b) Bill A-15 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 April 5

\* Recorded vote, see page 2397

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Sean P. Campbell	Custodian (B-2)	Culture & Recreation	Replacing Mr. R. Grubb - resigned	\$23,125.44 to \$24,945.96	\$23,125.44 per annum (1 of 2)	19/03/90
Mr. Harry A. Chalmers	District Chief (C-11)	Fire	Replacing Mr. J. McCallum - promoted	\$55,947.26	\$55,947.26 per annum (1 of 1)	11/03/90
Mr. James P. Clark	Tree Climber (D-9)	Public Works	Replacing Mr. W. Milne - resigned	\$28,649.92 to \$29,065.92	\$28,649.92 per annum (1 of 2)	28/02/90
Ms. Susan Lewis	Junior Accounts Payable Clerk (A-4)	Treasury	Replacing Ms. A. Mackay - resigned	\$24,354.20 to \$27,451.32	\$27,451.32 per annum (5 of 5)	05/03/90
Mr. John McGowan	Garbagean/woman (D-8)	Public Works	Replacing Mr. B. Vance - promoted	\$28,473.12 to \$28,889.12	\$28,889.12 per annum (2 of 2)	19/02/90
Ms. Cora Lee Secore	Manager of Planning Services (H)	Culture & Recreation	New Position Approved by City Council 12/12/89	\$51,899.64 to \$61,171.24	\$51,899.64 per annum (1 of 5)	12/03/90
Ms. Diane Sloman	Stenographer I (E-5)	Traffic	Replacing Ms. S. Doucet - resigned	\$23,442.12 to \$26,356.72	\$23,442.12 per annum (1 of 4)	12/03/90
Mr. Gary Smith	Platoon Chief (C-12)	Fire	Replacing Mr. G. Baker - promoted	\$60,767.06	\$60,767.06 per annum (1 of 1)	25/02/90
Ms. Loretta M. Zajac	Clerk Typist III (E-1)	Culture & Recreation	Replacing Ms. S. Smith - resigned	\$18,587.92 to \$19,982.66	\$18,587.92 per annum (1 of 3)	06/03/90

Prepared 28/03/90

THE CORPORATION OF THE CITY OF HAMILTON  
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Leo Aylward	Caretaker	Property	Retired	19 years, 7 months	02/04/90
Ms. Susan Doucet	Stenographer I	Traffic	Resigned	4 years, 9 months	12/03/90
Mr. Robert Grubb	Custodian	Culture & Recreation	Resigned	10 months	23/02/90
Mr. David Jenkins	Maintenance Assistant	H.E.C.F.I.	Resigned	4 months	09/03/90
Ms. E. Laforme	Cleaner	Property	Retired	35 years, 7 months	02/04/90
Ms. Isabelle McCain	Accounting Clerk	H.E.C.F.I.	Retired	26 years	29/02/90
Mr. Mark Sheridan	Foreman III (Chedoke)	Public Works	Resigned	2 years, 11 months	17/03/90
Ms. Marjorie Walsh	Clerk Typist III	Culture & Recreation	Resigned	2 weeks	02/03/90

Prepared 28/03/90

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its TWELFTH Report for 1990 and respectfully recommends:

- \* 1. (a) That the shortfall in the 1990 Memorial Cup Budget in the amount of \$66 500 be financed jointly by the Ontario Hockey League and the Corporation of the City of Hamilton with the City's cost being \$33 250.
- (b) That the City's share, in the amount of \$33 250 be financed from the Reserve for Special Events.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 April 10

\* *Recorded vote, see page 2397*

## REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its SIXTH Report for 1990 and respectfully recommends:

1. That purchase orders be issued for the supply and delivery of corrugated steel pipe and flex beam as and when required during 1990 for the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders as follows:

(a) CORRUGATED STEEL PIPE

<u>Big 'O' Inc., Exeter</u>		
150mm 68 x 13		\$ 6.40 metre
<u>Clemmer Industries, Waterloo</u>		
300mm 68 x 13 couplers		\$ 4.94 metre
<u>Holt Culvert &amp; Metal, Peterborough</u>		
300mm 68 x 13 1.6	- Helical	\$ 15.32 metre
	- Riveted	\$ 20.04 metre
400mm 68 x 13 1.3	- Helical	\$ 18.09 metre
	- Riveted	\$ 23.65 metre
400mm 68 x 13 couplers	- Helical	\$ 9.04 each
	- Riveted	\$ 9.04 each

(b) FLEX BEAM

<u>Armtec, Guelph</u>		
2.5mm		\$ 4.85 foot
10.5" bolts		\$ 2.14 each
18" bolts		\$ 3.26 each
1.5" bolts		\$ .82 each
Terminal Sections		\$ 21.84 each

Provincial sales tax extra at 8%

NOTE: Lowest of six (6) tenders received. Funds provided in Stock Account No. CH56197 60999.

2. That purchase orders be issued for the supply and delivery of chemicals as and when required during 1990 for the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(a) Pollard Highway Products, Harrow

Flake Calcium Chloride  
Minimum 31 750 kg. per load

\$ 0.3369/kg.

(b) General Chemical Canada Ltd., Mississauga

Liquid Calcium Chloride  
Minimum 20 700 litres

\$ 0.127/l.

Provincial sales tax extra at 8%

NOTE: Lowest of four bids received. Funds provided in Stock Account No. CH56197 60999.

3. That the local Approvals Branch of the Ministry of the Environment (M.O.E.) be informed of the following:

- (a) That the City of Hamilton will require a minimum of two months to properly review the Hotz and Sons formal application for a Certificate of Approval to operate a Transfer and Materials Recovery Station at 245 Lottridge Street in Hamilton, and to prepare an official position statement on the issue.
- (b) That the City of Hamilton can not possibly comment on the need for the proposal to undergo an Environmental Assessment Hearing prior to the 1990 April 1 deadline established by the Ministry.
- (c) That the City of Hamilton does not object to an extension of Hotz and Sons' temporary Certificate of Approval, provided that the extension does not exceed six (6) months beyond 1990 April 19 and that wastes which are brought into its facility from outside the Hamilton-Wentworth Region are not disposed of at Regional disposal facilities.

NOTE: With the adoption of Section 4 of the SIXTEENTH Report of the Transport and Environment Committee, City Council at its meeting on 1989 October 10 supported the proposal of Hotz and Sons Company to establish and operate a Transfer and Materials Recovery Station at 30 Landsdowne Avenue, for a six (6) month trial period. The Ministry of the Environment's six month Certificate of Approval expires 1990 April 19.

4. (a) That the submitted schedules for the estimated cost of services in Erminia Court, Subdivision, in the amount of \$111 218.19 be adopted for inclusion in the respective Subdivision Agreement with the owner.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective owner.
- (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he be permitted to do so at his own risk, providing that he enters into a Standard Agreement for Pre-servicing.

NOTE: The total cost of services for this subdivision will be borne by the Subdivider.

5. That the 1990 Road and Sidewalk Reconstruction Program, as approved by City Council on 1990 January 30 with the adoption of Section 22 of the SECOND Report of the Finance and Administration Committee, be adjusted as follows:

(a) Projects to be removed:

- (i) East 21st Street, Concession to Fennell
- (ii) East 25th Street, Concession to Fennell
- (iii) East 22nd Street, Concession to Fennell

(b) Projects to be added:

- (i) East 21st Street, Crockett to Queensdale
- (ii) East 25th Street, Crockett to Brucedale
- (iii) East 22nd Street, Crockett to Queensdale
- (iv) East 24th Street, Crockett to Brucedale
- (v) Queensdale Avenue, East 21st Street to Upper Sherman

NOTE: The total cost of the projects proposed to be added is virtually the same as the estimated cost of the projects to be removed.

Since approval of the Reconstruction Program, additional information has become available relative to the Region's Storm Sewer Program. The above changes are recommended in order to ensure that reconstruction and resurfacing proceed in the most cost-effective manner.

6. That the following list be adopted as the Supplementary Program of the 1990 Roadway and Sidewalk Capital Reconstruction Program:

- (a) Westwood Avenue, Stroud to Haddon
- (b) Gary Avenue, Dalewood to Westwood
- (c) Picton Street, Hughson to Bay
- (d) Northcote Street, Beach to Gertrude
- (e) Bell Avenue, King to Central
- (f) Brucedale Avenue, Upper Ottawa to High
- (g) Winchester Avenue, Ninth to East 45th
- (h) Sandalwood Avenue, Upper Ottawa to Toby
- (i) East 34th Street, Concession to Crockett
- (j) Crosthwaite Avenue, Main to Monterey
- (k) Edith Avenue, Broker to Nova
- (l) Rodgers Road, King to Central

NOTE: Supplementary projects, in the order stated above, will be constructed in 1990 provided funds become available in the 1990 Road and Sidewalk Reconstruction Program. The justification and priority of projects not constructed in 1990 will be re-evaluated within the 1991 Reconstruction Program.

7. (a) That Section XV1 - Development Charges, of the Subdivision Agreement be amended to reflect the provisions of the Development Charges By-law by deleting the entire section and placing a new section to state "that development charges will be calculated and collected by the City in accordance with the Development Charges By-law No. 90-074.
- (b) That the City Solicitor be directed to make the necessary changes to the City Subdivision Agreement.

8. That Section 7, Sub-section (g) i of the SIXTH Report of the Transport and Environment Committee adopted by City Council on 1989 March 14, be amended by deleting the words "Marlene Drive" and inserting the words "Cyprus Drive".

NOTE: This amendment is due to a change in street name in the Aspen West Phase 4 Subdivision after City Council approval of Engineering Schedules and Draft Plan.

9. That the Director of Traffic Services be authorized to issue one Time Limit Exemption Permit to Mr. Antony Karcznareczyk, No. 1809 - 40 Oxford Street.
10. That the City Traffic By-law No. 89-72 be amended to provide for the following:
  - (a) That a "Commercial Vehicle Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Catharine Street North commencing at a point 112 feet north of King William Street and extending to a point 24 feet northerly therefrom.
  - (b) That the existing "No Parking" corner clearance on the west side of Ellingwood Avenue commencing at Oakland Drive and extending to a point 60 feet southerly therefrom be extended such that the prohibition commences at Oakland Drive and extends to a point 94 feet southerly therefrom.
  - (c)
    - (i) That two 30 minute metered parking spaces be implemented on the west side of East 23rd Street commencing at a point 27 feet south of Fennell Avenue and extending to a point 40 feet southerly therefrom, and
    - (ii) That the existing "No Stopping" regulation on the east side of East 23rd Street, commencing at Fennell Avenue and extending to a point 95 feet south be extended such that the regulation commences at Fennell Avenue and extends to a point 155 feet southerly therefrom.

- (d) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Strathcona Avenue North between Tom Street and Florence Street.
  
- (e)
  - (i) That a "Permit Parking" regulation be implemented on the west side of East 19th Street commencing at a point 25 feet south of Inverness Avenue and extending to a point 20 feet southerly therefrom, and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Hermine Lazdins, 124 East 19th Street.
  
- (f)
  - (i) That a "Permit Parking" regulation be implemented on the east side of Fairfield Avenue commencing at a point 184 feet north of Britannia Avenue and extending to a point 20 feet northerly therefrom, and on the west side of Fairfield Avenue commencing at a point 173 feet north of Britannia Avenue and extending to a point 20 feet northerly therefrom, and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. James Large, 222 Fairfield Avenue.
  
- (g)
  - (i) That a "Permit Parking" regulation be implemented on the north side of McAnulty Boulevard commencing at a point 85 feet west of Martimas Avenue and extending to a point 20 feet westerly therefrom, and on the south side of McAnulty Boulevard commencing at a point 62 feet west of Martimas Avenue and extending to a point 20 feet westerly therefrom, and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Renald Beaulieu, 153 McAnulty Boulevard.
  
- (h)
  - (i) That a "Permit Parking" regulation be implemented on the west side of Magill Street commencing at a point 345 feet north of York Boulevard and extending to a point 20 feet northerly therefrom, and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. J. Leaist, 37 Magill Street.

- (i) That a "No Stopping, Wheelchair Loading Only", regulation be implemented on the east side of Chestnut Avenue commencing at a point 188 feet north of Cannon Street and extending to a point 22 feet northerly therefrom.
  - (j) That westbound traffic on Sinena Avenue be required to stop for northbound and southbound traffic on Eaglewood Drive.
  - (k) That a stop sign be erected to control eastbound traffic on Paris Avenue at Lockheed Drive.
11. (a) That the following be appointed Municipal Weed Inspectors under the Weed Control Act:
- R. Yanke
  - A. Mancini
  - A. Boers
  - R. Farthing
  - C. Gibbs
  - P. Tompkins
  - D. Danby
  - D. Boyer
  - R. Wells
  - R. Pyne
  - P. Booker
  - D. Cowan]
  - D. Pomfret
  - J. Pook
  - C. Firth-Eagland
- (b) That the City Solicitor be authorized and directed to prepare the necessary amending by-law.

12. That leave be granted to introduce the following Bills:

- (a) Bill B-40 A By-law to Incorporate Part 1, Plan 62R-10173 into Cyprus Drive
- (b) Bill B-41 A By-law to Incorporate Block 42, Plan 62M-495 into Rockview Avenue
- (c) Bill B-42 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (d) Bill B-43 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (e) Bill B-44 A By-law to Amend By-law No. 87-144 Respecting Municipal Weed Inspectors

Respectfully Submitted,

ALDERMAN D. CHRISTOPHERSON, ACTING CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
1990 April 2

mjlw

## REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its SEVENTH Report for 1990 and respectfully recommends:

1. That an agreement by the Owner to Accept Compensation for the purchase of 123 West Avenue South executed by Claudino Gregorio on 1990 March 13 and scheduled for closing on or before 1990 May 17, be approved and completed.

NOTE: This property which is required in connection with the development of Carter Park (Stinson Neighbourhood Park) has a frontage along the easterly limit of West Avenue South of 28.5 fet (8.69 metres) more or less, by a depth of 93 feet (28.3 metres) more or less, together with dwelling erected thereon bearing municipal number 123 West Avenue South, more particularly described as Part 2 on Expropriation Plan 479788 C.D. The purchase price of \$137 142.95, in accordance with Schedule "A" is to be charged to Account No. CF 5590 628650008.

2. That purchase orders be issued for paving and sewer work at Macassa and Thorner Parks in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

- (a) Dufferin Construction, Oakville  
Asphalt Parking Lot and Sewers, Macassa Park - \$50 914
- (b) That a contract be entered into satisfactory to the City Solicitor.
- (c) Buds Contracting, Stoney Creek  
Asphalt Path, Thorner - \$10 890

NOTE: Lowest of ten (10) tenders received. Funds provided in Account No. CH56398 62910 Macassa Parking Lot (703-5823) and Thorner Park (703-5859).

3. That purchase orders be issued for the supply and delivery of #1 Nursery Sod as and when required during 1990 for the Parks Division of the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tender, as follows:

- (a) Go-Green Sod Supply Ltd., Troy  
Delivered \$1.06 per roll  
Picked up .86

- (b) John Vanderwoude Sod Farms, Mount Hope  
Picked up \$ .92 per roll

Provincial sales tax extra at 8%.

NOTE: Lowest of seven (7) tenders received. Funds provided in Stock Materials Account No. CH56197 60999.

4. That a purchase order be issued to Catalina Excavating Inc., Vinemount in the amount of \$24 985 to supply and install sewers, Sackville Hill Park, Hamilton, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of ten (10) quotations received. Funds provided in Sewers-Sackville Hill Park (Account to be approved as part of the Capital Budget).

- \* 5. (a) That approval be given to establish a Beach Community Recreation Program by providing a combination Adventure Camp and Family Swim Membership package at a total cost of \$32 000 and further that this program be proceeded with as a one year pilot project following which it shall be subject to review.
- (b) That the City enter into a Purchase of Service Agreement with the operator of Lakeland Pool, Mr. William Simpson, to provide the swimming segment of the Beach Community Recreation Program at cost not to exceed \$23 000 of the total Program Package.
- (c) That the purchase of service agreement be subject to approval by the City Solicitor.
- (d) That the Lakeland Pool operator be bound by all the contractual requirements contained in the agreements with the Regional Municipality of Hamilton-Wentworth.
- (e) That the Finance and Administration Committee be requested to recommend the method of financing the total Beach Community Recreation Program at a cost of \$32 000.

NOTE: The Beach Community Recreation Program includes providing adventure camp staff to organize a beach activity program for children as an extension of the Kinsmen playground operations. The estimated cost for two staff, supplies, transportation, teen leaders, pool bookings, lifeguard/instructors and admissions is \$12 000 (with some off setting revenue).

In addition, Hamilton residents would purchase a summer municipal "swim card" (family or individual membership) which would be honoured at Lakeland Pool. The point of purchase would be at Lakeland Pool as provided by the Department of Culture and Recreation. Targeted areas include: Parkview East and West, Nashdale, Kentley, Lakeley, Grayside and Riverdale East and West. The estimated cost including administration is \$20 000 (with some off setting revenue).

6. That approval be given of the action taken by the Director of Culture and Recreation in approving the request of the Gilkson Community Council to hold a Fireworks Display at Gilkson Park on Monday, 1990 May 21, subject to the following terms and conditions:
  - (a) That a licensed operator be responsible for carrying out the fireworks display.
  - (b) That Gilkson Community Council have in place a \$2 million Insurance Policy for Public Liability for Property Damage and Bodily Injury, naming the City as Co-insured.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 April 03

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its EIGHTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
  - (a) 197 Stone Church Road East.
  - (b) 211 Stone Church Road East.
2. That the City Solicitor be authorized to amend By-law 87-312 as follows:
  - (a) That Section 9(a) be amended by adding the name:  
Gene Penko
  - (b) That Section 9(a) be amended by deleting the name:  
George Bowring
3. That the provisions of the Demolition Control By-law be applied to the property located at 843 Mohawk Road East.

NOTE: The Demolition Control By-law may be applied to any residential property in the City and may be invoked by Council to delay the issuance of a demolition permit until a building permit has been issued to erect a new building on the site of the building to be demolished.
4. (a) That the City Solicitor be directed to prepare By-laws effective 1990 July 1, to amend fees charged by the Building Department as follows:
  - (i) That the Building Code By-law 85-86 be amended to adjust the basic building permit fee from \$25. to \$50.
  - (ii) That the Property Standards By-law 74-74 be amended to adjust the basic fee for a certificate of compliance from \$150. to \$200.
  - (iii) That the Building Code By-law 85-86 be amended to adjust the basic fee for demolition from \$100. to \$200.
- (b) That the fees for property reports and zoning verifications be changed from \$20. and \$30. respectively, to a fee of \$35. effective 1990 July 1.

- \* 5. That prior to implementation of the Capital Expansion Plans for parking for the Central Business District as outlined in the Report of the Parking Authority endorsed by the Finance and Administration Committee on 1990 March 22nd, a public meeting be held by the Planning and Development Committee to receive input on the philosophy of the placement of parking structures in the downtown area.

NOTE: For the information of the members of City Council, Staff have been requested to provide a report to the Planning and Development Committee on the downtown parking discussions of the Ad Hoc Parking Committee and the Central Area Planning Implementation Committee.

Also, further to the directions of City Council, a Public Meeting of the Planning and Development Committee will be held to consider a City initiative for a zoning change respecting parking requirements for commercial development in the central business district as well as the "cash-in-lieu" policy for this area.

6. (a) That, for the purpose of providing a truck turning area in Belview Park (Holy Name of Jesus Park site), the residents within a 400 foot radius of this alteration be circularized to gain public input regarding the proposed park design; and,
- (b) That, subject to the results of this circularization, a portion of Belview Park be reopened as road allowance to enable trucks destined for Glendale Spinning Mills to safely access the Spinning Mills' loading area; and,
- (c) That, the City Solicitor be authorized to prepare the necessary By-law establishing a 20 metre wide road allowance on Belview Avenue at Primrose Avenue.

NOTE: Belview Park is being developed as part of the Crown Point West/Stipeley P.R.I.D.E. Programme. Funds for the estimated cost of this work of \$10,000. - \$12,000. are available in Crown Point West/Stipeley P.R.I.D.E. Programme Phase II. A change order to the construction contract with McLean Peister Limited will be required.

7. That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000) be approved for 80-82 James Street North, Goritsas Brothers Limited c/o John Goritsas. The interest rate will be 7-1/8 percent, amortized over 10 years.

- \* *First paragraph of the note in Section 5 amended to read:*

*NOTE: For the information of the members of City Council, Staff have been requested to provide a report to the Planning and Development Committee on the downtown parking discussions of the Ad Hoc Parking Committee and The Hamilton Parking Authority.*

8. (a) That, the treatment of sidewalks on Main Street West from the Highway 403 exit ramp to Locke Street be the same as that scheduled to be implemented on Main Street West from Locke to Queen Streets within the B.I.A.; and,
- (b) That, subject to approval of (a) above, a recommendation be forwarded to the Finance and Administration Committee for their consideration of funding of the Highway 403 to Locke Street portion of the reconstruction project.

NOTE: The Regional Engineering Department is reconstructing Main Street West from the Highway 403 exit ramp to James Street under the 1990 Road and Sidewalk Reconstruction Program. In co-operation with them, the Community Development Department, through the Commercial Improvement Programme, provided funds to upgrade the streetscaping within the Business Improvement Area only (Main Street West from Locke to Queen Streets).

9. That a purchase order be issued to C.T.I. Business Furnishings, Mississauga, in the amount of \$12,183.30 for the supply and delivery of office furniture, Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) complete quotations received. Funds provided in various Office Furniture Accounts.

10. (a) That Hamilton City Council apply to the Ministry of Municipal Affairs for the second stage of funding for the Central Business District Study;
- (b) That the Regional Municipality of Hamilton-Wentworth be asked to endorse the request; and,
- (c) That the City Clerk carry out these recommendations.

NOTE: The Central Business District is half completed and funds (about \$12,000.) for the final portion of the study now need to be requested.

11. (a) That Section 23 of the Fourth Report for 1990 of the Planning and Development Committee as approved by City Council on 1990 February 13, respecting the preparation of a sale agreement for the Pigott Lobby windows be rescinded;
  - (b) That the City Solicitor be authorized and directed to prepare the appropriate lease agreement between the property owner and the City;
  - (c) That Reemark Heritage Gardens Ltd. pay to the City a one-time payment in the amount of \$15,000. and a \$1.00 per year payment for 99 years to lease the Pigott stained glass windows from the City;
  - (d) That approval of the said lease agreement be subject to the satisfactory arrangement of the installation and the permanent protection of the windows in the Pigott building lobby between the City and the property owner;
  - (e) That the Heritage Hamilton Foundation be reimbursed for their contribution (\$3,240.) for the purchase of these windows and that the remaining monies received from Reemark Heritage Gardens ltd. for the leasing of these windows be returned to the City (Reserve Fund for the Acquisition of Historic Properties); and
  - (f) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.
- 
12. (a) That a Heritage Easement be signed between the City of Hamilton and the Hamilton Board of Education for the designated property known as the Stinson Street School at 180 Stinson Street as a pre-requisite for the provincial Community Facilities Improvement Program (C.F.I.P.) grant;
  - (b) That the City Solicitor be authorized and directed to take appropriate action to implement this Heritage Easement.

NOTE: The Ministry of Culture and Communications through its C.F.I.P. funding has awarded a matching grant of \$147,200. to the Hamilton Board of Education for restoration of the Stinson Street School.

13. That the appropriate City Staff be authorized to attend an upcoming Ontario Municipal Board Hearing to defend the City's position on a Land Division Committee decision, respecting property at 734 7th Avenue.

14. That approval be given to Zoning Application 90-03, Ashok Kumar, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit an eight bay self-service car wash and accessory office, for property located at 41 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-320, be further modified to include the following as a special provision:
  - (i) That subsection (a) of Section 2 of By-law No. 89-320 be deleted and the following substituted therefore:
    - (1.) Notwithstanding section 14A(1) of By-law No. 6593, the following Commercial Uses shall be permitted:
      - (a) A coin-operated, manual car wash consisting of not more than eight (8) bays;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1129a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1129a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for property located at 41 Rymal Road West.

The effect of the By-law is to permit an eight bay, coin-operated manual car wash and accessory office on the subject property.

15. That Zoning Application 89-133, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District modified to construct a two-storey office building, for property located at 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street, as shown on the attached map marked as Appendix "B", be DENIED for the following reasons:

- (a) It does not comply with the intent of the Official Plan and conflicts with the intent of the approved Beasley Neighbourhood Plan which designates the land for "High Density Apartments";

- (b) It conflicts with the intent of the Zoning By-law, in that the "L-mr-2" District functions as a holding zone for future medium and high density multiple residential dwellings. The "L-mr-2" District regulations clearly delineate those zoning districts to which an "L-mr-2" zoned property can be rezoned (i.e. "E", "E-1" and "E-3"). The requested "H" District is contrary to the intent of the "L-mr-2" holding zone;
- (c) Most of the adjoining lands are either being used for residential purposes or are designated for residential purposes. The proposed office building would be incompatible with the land uses existing/proposed in the area; and,
- (d) Approval of the application would set an undesirable precedent and may encourage other similar applications which, if approved, would undermine the intent of the zoning by-law.

16. That approval be given to Zoning Application 89-126, The Ukrainian Villa of the Resurrection Church in Hamilton, owner and lessee, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the established "E-2" (Multiple Dwellings) District (Block "2"), to permit a new 6 storey, 77 unit senior citizens residence, to be connected to the existing senior citizens residence, for property located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593, as amended by By-law 82-99, applicable to Blocks "1" and "2" be further modified to include the following variances as special requirements.
  - (i) That Section 2.(b)(i) of By-law No. 82-99 be amended by changing the number of dwelling units from "100" to "152", and the gross floor area from "7,884.049 square metres" to "10,550.0 square metres";
  - (ii) That the following new subclauses be added to Section 2 of By-law No. 82-99:
    - "(iii) notwithstanding Section 11B(3)(ii)(b) of By-law No. 6593 a minimum side yard of 3.0 m shall be permitted.
    - (iv) notwithstanding Section 18A(14) four parking spaces shall be permitted in the required front yard adjacent to Upper Wentworth Street."

- (iii) That Section 18A(11)(a) and (12)(b) and (c) shall not apply to the loading space.
- (c) That Schedule "A" to By-law No. 82-99 be amended by adding thereto the lands described as Block "1".
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-789a, and that the subject lands on Zoning District Map E-27 be notated S-789a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District modified (Block "1"), and for a further modification to the "E-2" (Multiple Dwellings) District (Block "2"), for property located in the area south of Mohawk Road East, between Upper Wentworth Street and Mall Road, shown as Blocks "1" and "2".

The effect of the By-law is to permit a new 6 storey, 77 unit senior citizens residence to be connected to the existing senior citizens residence.

In addition, the By-law provides for the following variances:

- (a) To permit a combined senior citizen's apartment development having a total of 152 dwelling units and a maximum gross floor area of 10,550.0 m<sup>2</sup>, whereas a 100 unit senior citizen's apartment building having a maximum gross floor area of 7,884.049 m<sup>2</sup> is permitted;
- (b) To permit a minimum side yard of 3.0 m for the development whereas a minimum side yard of 13.5 m is required;
- (c) To permit four parking spaces in the required front yard adjacent to Upper Wentworth Street;
- (d) To exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m high to 2.0 m high visual barrier between the most westerly loading space and the adjoining residential district the north.

17. (a) That approval be given to Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, requesting a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a further modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3", to permit redevelopment of the lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West and 16 2-1/2 storey townhouse style commercial units fronting onto George Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That By-laws 77-76, 87-58, and 87-251 be repealed in their entirety;
- (ii) That Block "1" be rezoned from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District;
- (iii) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593, applicable to Blocks "4" and "5", as shown on Appendix "E", be modified to include the following variances as special provisions:
  - (1.) That notwithstanding Section 15A(1) of Zoning By-law No. 6593, not more than 409 Class A dwelling units shall be permitted on the lands described as Block "5";
  - (2.) That notwithstanding Sections 15A(1)(ix), 15A(1)(xii), and 15A(1)(xv) of Zoning By-law No. 6593, the premises occupied by the uses shall not be prohibited from having access from or fronting on a street;
  - (3.) That notwithstanding Section 15A(2)(ii) of Zoning By-law No. 6593, the height of any building on Block "5" shall not exceed twenty-three storeys and the height of any building on Block "4" shall not exceed three storeys;
  - (4.) That notwithstanding Section 15(A)(2)(ii) of Zoning By-law No. 6593, a side yard of not less than 1.0 m in width shall be provided and maintained along the east and west side lot lines and a side yard not less than 0.5 m in width shall be provided and maintained along the north side lot line;
  - (5.) That Section 15A(3)(ii) of Zoning By-law No. 6593 shall not apply;
  - (6.) That notwithstanding Section 15A(3)(d) of Zoning By-law No. 6593, a gross floor area of not more than 8.4 times the area of the lot shall be permitted;

- (7.) That Section 4(3)(a) of Zoning By-law No. 6593 shall not apply;
  - (8.) That notwithstanding Section 18A(1) of Zoning By-law No. 6593 a minimum of 453 parking spaces shall be provided and maintained, and the required parking spaces and associated manoeuvring space may be provided partially in the Main Street West road allowance;
  - (9.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d), a minimum of two loading spaces having dimensions of 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;
  - (10.) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, not more than 205 of the required parking spaces located on Block "5" shall have a length of not less than 5.7 m;
  - (11.) That a minimum of 2,081 m<sup>2</sup> of landscaped area shall be provided and maintained, of which not less than 1,022 m<sup>2</sup> shall be provided and maintained at grade.
  - (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1171, and that the subject lands on Zoning District Map W-4 be notated S-1171;
  - (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
  - (vi) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the By-law is to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District modified to "HI" (Civic Centre Protected) District modified for Block "1" and a modification to the "HI" (Civic Centre Protected) District for Blocks "2" and "3".

The effect of the By-law is to permit redevelopment of the subject lands for a 23 storey, 409 unit condominium apartment building with commercial uses on the ground floor fronting onto Main Street West, and 16 2-1/2 storey townhouse style commercial units fronting onto George Street. In addition, the By-law provides the following variances as special provisions:

- (a) To permit a building with 23 storeys on Block "5" and a maximum building height of 3 storeys on Block "4", whereas 18 storeys are permitted;
  - (b) To permit side yards of 1.0 m along the east and west side lot lines and 0.5 m along the north lot line whereas 3.0 m is required;
  - (c) To eliminate the rear yard whereas a rear yard of 3.0 metres is required on George Street;
  - (d) To permit the buildings to have a maximum of 8.4 times lot coverage whereas 8.0 times coverage is permitted;
  - (e) To permit two large loading spaces whereas four loading spaces (three large and one small) are required;
  - (f) To require 453 parking spaces and to permit 205 of the required parking spaces to have a minimum length of 5.7 m whereas 6.0 m is required;
  - (g) To provide a landscaped area of 2,081 m<sup>2</sup> (22,400 square feet) on the lot, of which not less than 1,022 m<sup>2</sup> shall be provided at grade whereas no landscaping is currently required.
18. That the Neighbourhood Plan changes for the north-west part of the Crerar Neighbourhood, as shown on the attached map marked as Appendix "F" be adopted by Council.
19. (a) That approval be given to Subdivision Application 89-21, M. Wasserman, owner, to establish a draft plan of subdivision, located south of the future Mountain Freeway and east of Upper Wellington Street, subject to the following conditions:
- (i) That approval apply to the plan prepared by A. J. Clarke, dated 1989 September 20, revised on 1989 March 23, and further revised to show 137 lots, 3 blocks (Blocks "138", "139" and "140") for attached housing, 2 blocks (Blocks "145" and "146") as a road widening, 1 block (Block "144") for a grade separation, 2 blocks (Blocks "147" and "148") as a 0.3m reserve and 1 block (Block "141") for development with adjacent lands.
  - (ii) That the streets be dedicated to the City of Hamilton as public highways on the final plan.
  - (iii) That the streets be named to the satisfaction of the City of Hamilton.
  - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.

- (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
- (vii) That the Parks and Recreation Committee be requested to consider the conveyance of 5% of the lands included in the Subdivision Application Plan 89-21, by M. Wasserman for park purposes, and that the value of the remaining lands which are to be acquired by the City of Hamilton be determined.
- (viii) That the open side of the road allowance be terminated with a 0.3m reserve (Blocks "147" and "148") to be conveyed to the City of Hamilton and be held by the City until required for development of the adjacent lands.
- (ix) That Block "141" be conveyed to the City of Hamilton and be developed only in conjunction with adjacent lands.
- (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway on Block "138" and Lots 60 to 83 inclusive for the purpose of constructing a landscaped noise barrier.
- (xi) That the owner agree to provide appropriate access to Lots 82, 83 and 137 to the satisfaction of the City of Hamilton.
- (xii) That a twelve (12) metre by twelve (12) metre daylight triangle be established from the widened limits at the intersection of Upper Wellington Street and Sirente Drive.
- (xiii) That the centreline radius of all streets with curves are to have a minimum of 110 metre radii, except for the centreline radius of Sirente Drive between the north-south leg of Crescent "A" and Court "B". The centreline at this point is to be established at a 250 metre radius in order to provide proper sight distances at Crescent "A".
- (xiv) That Marlene Drive (now known as Cyprus Drive), is to be established at its full width in conjunction with the registration of the Final Plan.
- (xv) That a two (2) metre by two (2) metre daylight triangle is to be established on the corner of Lot 84.

- (xvi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xvii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
  - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-21), M. Wasserman, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
  - (c) That the changes to the Crerar Neighbourhood, as shown on the recommended plan for this subdivision, be approved by the Council of the City of Hamilton.
20. That approval be given to Zoning Application 89-98, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit the development of the subject lands for a park (Block "1"), single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, as shown on the attached map marked as Appendix "G", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
  - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (c) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18B and E-18C for presentation to City Council;
  - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), and "R-4" (Small Lot Single-Family Detached) District (Block "3"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway. The effect of this by-law is to retain Block "1" for open space purposes and to permit the development of the remaining lands for single-family dwellings (Block "2"), and small lot single-family dwellings (Block "3").

21.(A.) That Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, to permit the development of the subject lands for an apartment building having a maximum height of eight (8) storeys, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6" on the attached map marked as Appendix "H", be DENIED for the following reasons:

- (a) The proposed amendments to the Crerar Neighbourhood Plan designate the lands for "Park and Recreational". It is intended that this site, as well as the site to the east (i.e. Block "1") be retained as a woodlot, since it is a unique natural feature.
- (b) It is an inappropriate land use given its location within the interior of the neighbourhood. Higher density uses should be more appropriately located on the periphery of the neighbourhood (Upper Wellington Street).

(B.) That approval be given to an amended Zoning Application 89-131, Marvin Wasserman, owner, requesting a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6") to permit the retention of the subject lands for open space (wood lot purposes) in conjunction with the lands to the east, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6", on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "6" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "6"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Block "6".

The effect of this by-law is to retain Block "6" for open space purposes (woodlot) in conjunction with the lands to the east.

22. That approval be given to an amended Zoning Application 89-132, Marvin Wasserman, owner, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), to permit the development of the subject lands for townhouses, for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway, shown as Blocks "4" and "5" on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "4" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variance as a special requirement:
  - (i) That Section 10E(2)(a)3. shall be prohibited.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1172, and that Block "4" on Zoning District Map E-18B be notated S-1172;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "4") and "RT-30" (Street Townhouse) District (Block "5"), for the lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.

The effect of this by-law is to permit the development of the subject lands for townhouses (Block "4") and street townhouses (Block "5").

- \* 23. (a) That approval be given to Official Plan Amendment No. 89 to redesignate the lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I" from "Industrial" to "Residential" and to remove them from "Special Policy Area 11", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling on lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
  - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
    - (1.) That notwithstanding Section 11 of By-law No. 6593 the building existing at the date of passing of this By-law may be converted to a multiple dwelling containing a maximum of 74 dwelling units, provided not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons of at least 60 years of age.
    - (2.) That notwithstanding Section 18A(8) the 4 parallel parking spaces adjacent to the southerly side property line shall have a width of not less than 2.31 m minimum.
    - (3.) That notwithstanding Section 18A(14) parking spaces may be permitted in the required front yard.
    - (4.) That notwithstanding Section 18A Table 1.(g) parking spaces shall be provided and maintained for the multiple dwelling on the following basis:
      - (a) 0.3 of a space per dwelling unit for elderly persons; and,
      - (b) 0.8 of a space per dwelling unit for other than elderly persons.

\* Recorded vote, see page 2399

- (5.) That Table 3, 2. of Section 18A shall not apply;
- (6.) That notwithstanding Section 18A Table 6, the required manoeuvring space aisle width for the 4 parallel parking spaces shall be 3.5 m minimum;
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1170, and that the subject lands on Zoning District Map E-21 be notated S-1170;
- (iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-21 for presentation to City Council;
- (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 89 by the Regional Municipality of Hamilton-Wentworth;
- (vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Medium Density Apartments".

NOTE: The purpose of the By-law is to provide for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for property located at 286 Sanford Avenue North.

The effect of the By-law is to permit the conversion of the existing building to a 74 unit (maximum) co-operative/non-profit multiple dwelling.

In addition, the By-law provides for the following variances as special requirements.

- (a) To require that not less than 30% of the dwelling units shall be designated for the accommodation of elderly persons, of at least 60 years of age;
- (b) To permit 4 parallel parking spaces to have a width of 2.31 m instead of the required 2.5 m minimum (Section 18A.(8)).
- (c) To permit parking spaces in the required front yard (Section 18A(14));
- (d) to require off-street parking on the following basis: (Section 18AT Table 1.(g))
  - (i) 0.3 of a space per dwelling unit for elderly persons; and,
  - (ii) 0.8 of a space per dwelling unit for other than elderly persons;

- (e) To exempt the development from requiring one large loading space (Section 18A. Table 3,2.);
- (f) To reduce the required manoeuvring space aisle width for 4 parallel parking spaces from the required 3.7 m to 3.5 m minimum (Section 18A. Table 6)

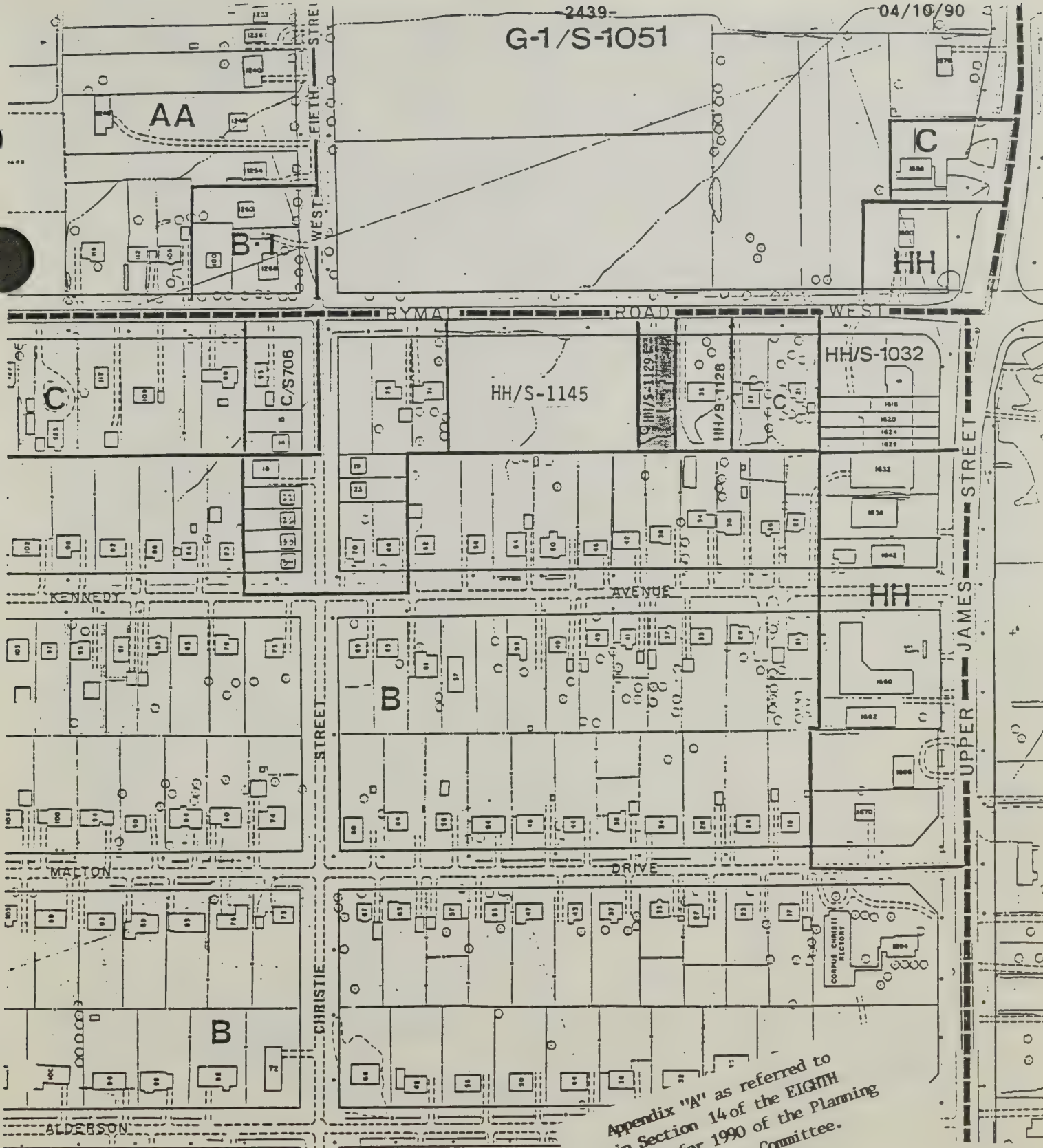
24. That leave be granted to introduce the following Bills:

- (a) Bill D-42     A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 641 Limeridge Road East.
- (b) Bill D-43     A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 1265 and 1269 Upper James Street.
- (c) Bill D-44     A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 322 Mount Albion Road.
- (d) Bill D-45     A By-law to amend By-law No. 87-312 as amended by By-law No. 88-170, By-law No. 89-95, By-law No. 89-217, By-law No. 89-247 and 90-27 respecting Appointment of Building Inspectors pursuant to The Building Code Act, R.S.O. 1980, C.51.

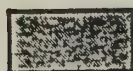
Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 April 4th



# **LEGEND**



**SITE OF THE APPLICATION**

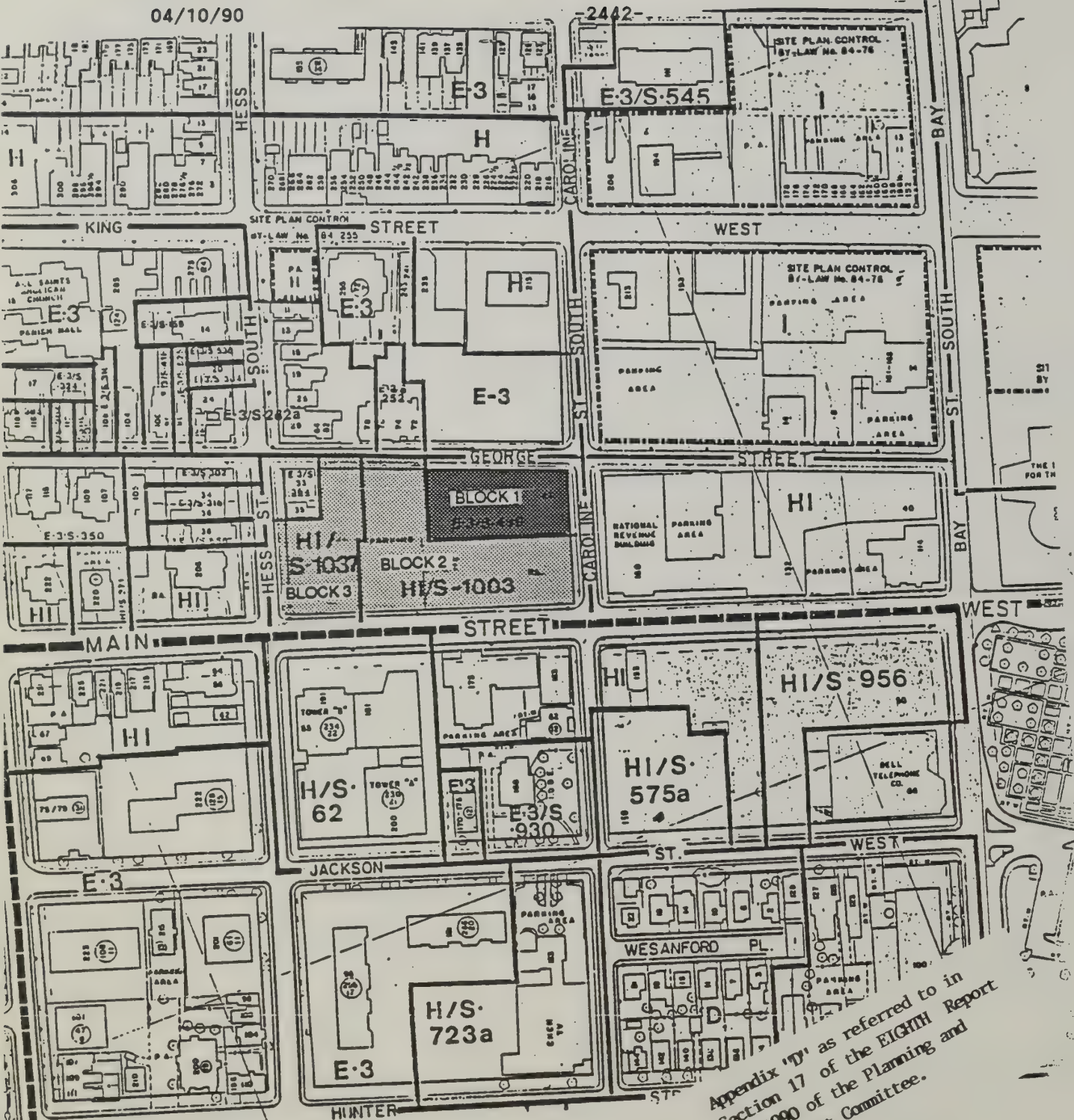
Appendix "A" as referred to  
in Section 14 of the EIGHTH  
Report for 1990 of the Planning  
and Development Committee.



**APPENDIX A**







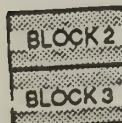
Appendix 'D' as referred to in  
Section 17 of the EIGHTH Report  
for 1990 of the Planning and  
Development Committee.

↑  
Z490-05

### Legend



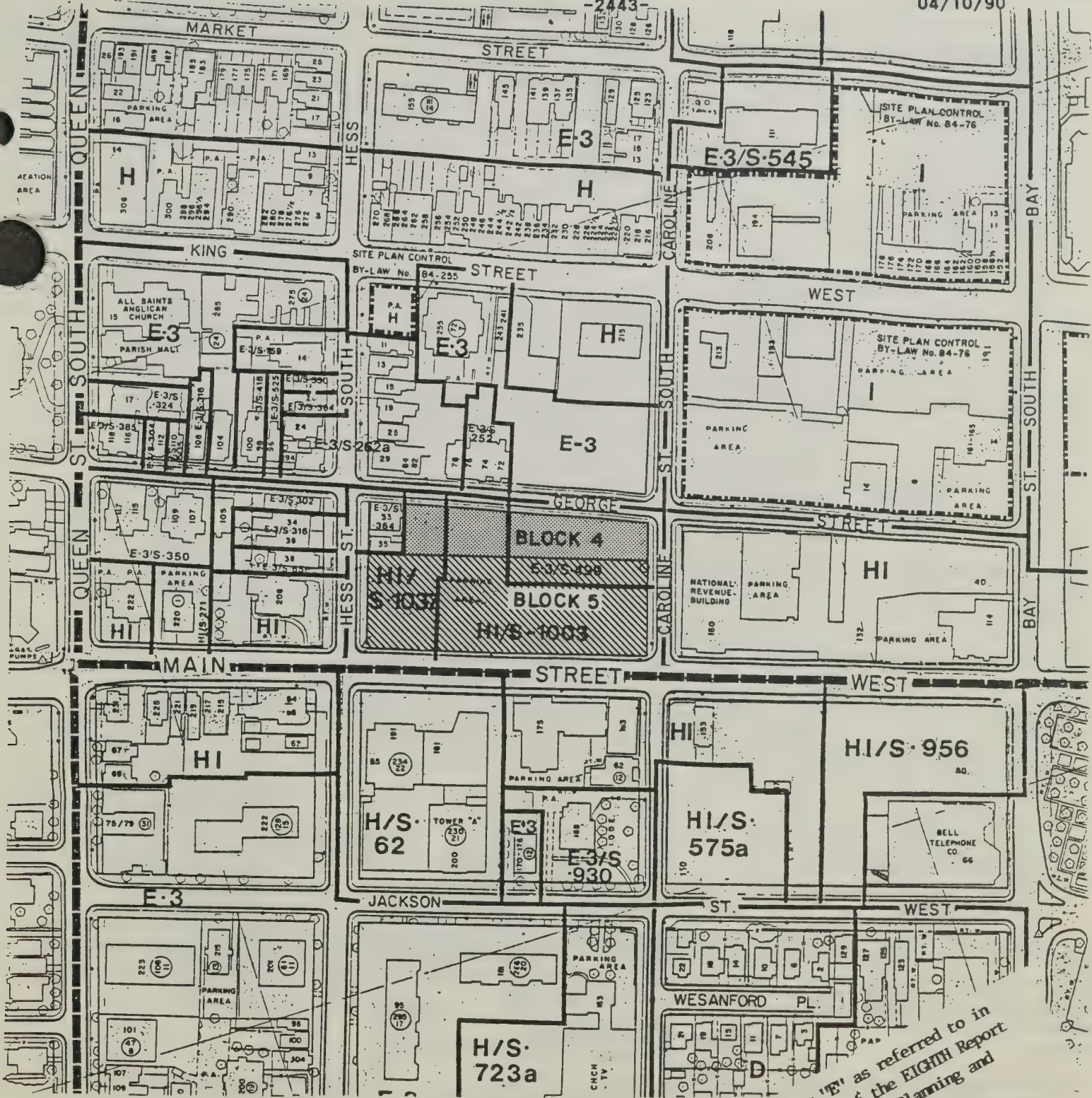
Change in zoning from "E-3" (High Density Multiple Dwellings)  
District, modified to "HI" (Civic Centre Protected Districts) District, modified.



Further modification to the "HI" (Civic Centre Protected Districts) District.



APPENDIX A



# LEGEND

BLOCK 4



BLOCK 5

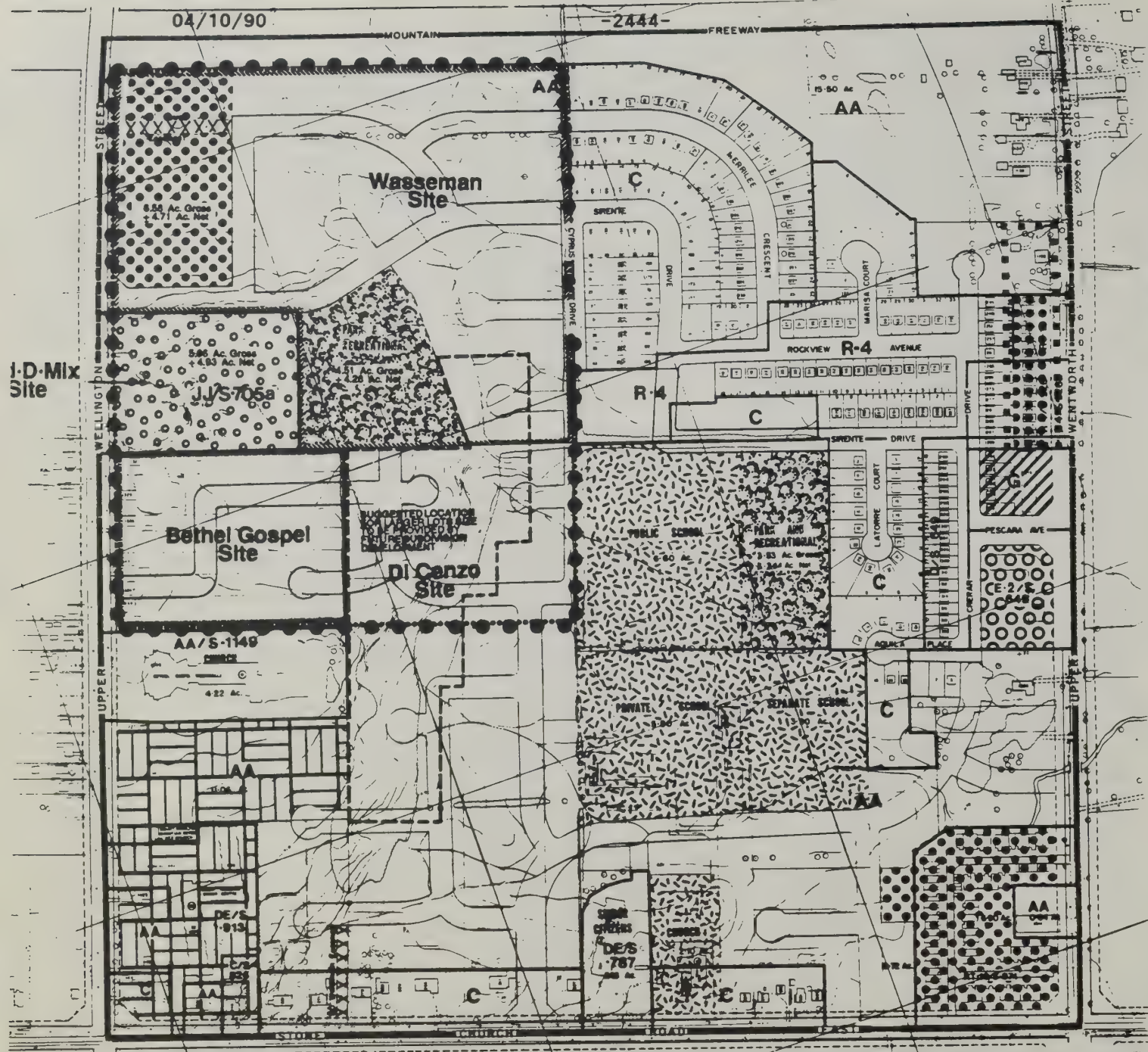


MODIFICATION TO THE "HI" (CIVIC CENTRE PROTECTED DISTRICTS) DISTRICT.

Appendix "B" as referred to in  
Section 17 of the EIGHTH Report  
for 1990 of the Planning and  
Development Committee.



APPENDIX "B"



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

### LEGEND

- ■ ■ Sewer Services From Interior Systems Because that Section of Upper Wentworth Will Not be Served.
- Area of Future Review
- ● Area of Study
- Area of Proposed Subdivision

Appendix "F" as referred to in Section 18 of the EIGHTH Report for 1990 of the Planning and Development Committee.

**MAP 1**  
EXISTING POPULATION (1988) 528

### LAND USE

#### RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- ▨ COMMERCIAL
- ▩ INDUSTRIAL
- ▧ CIVIC & INSTITUTIONAL
- ▦ PARK & RECREATIONAL
- ▥ OPEN SPACE
- ▤ UTILITIES
- ▣ INSTITUTIONAL & SPECIAL HOUSING

- Neighbourhood Boundary
- Zoning Boundary

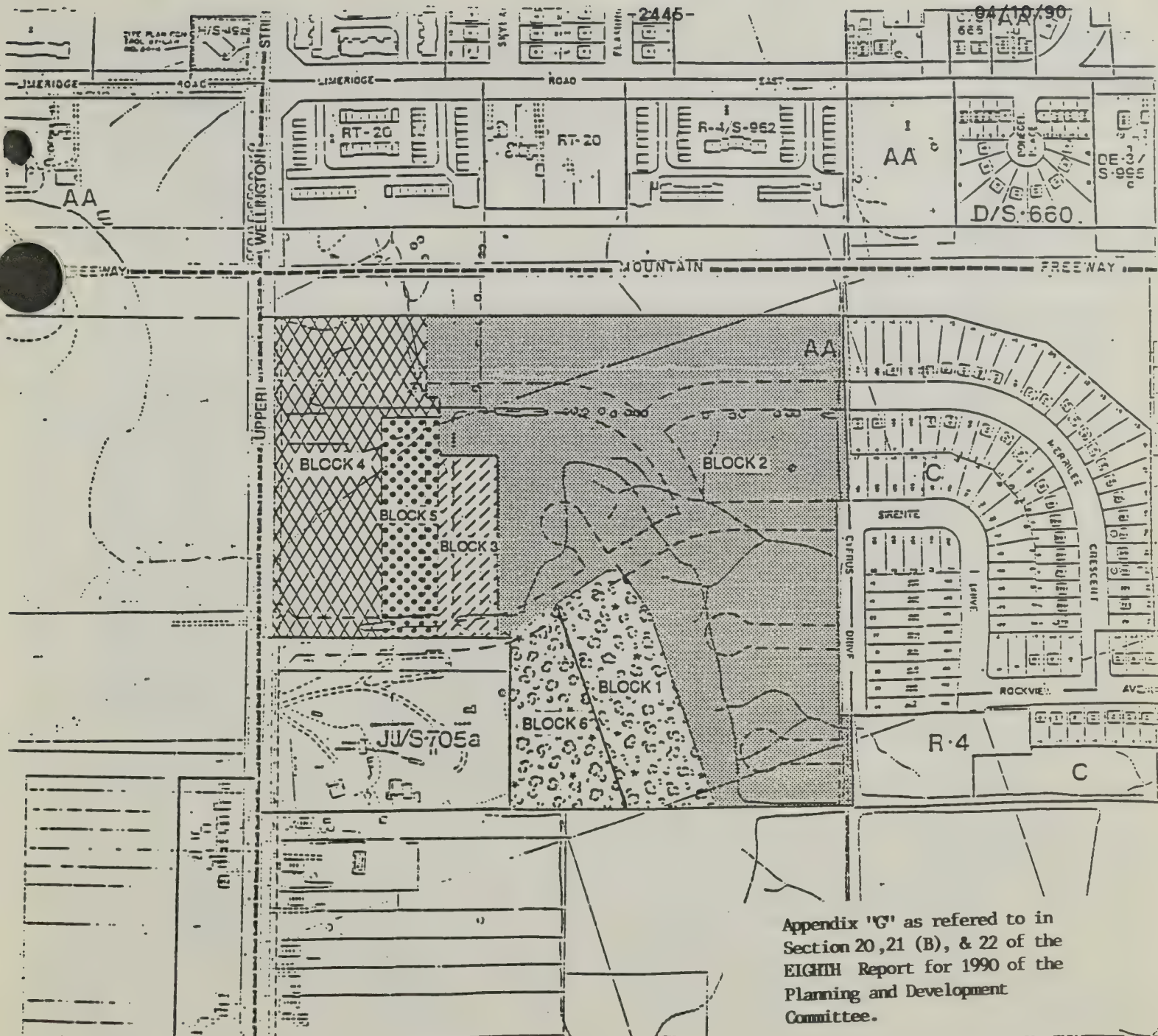
Approvals  
Planning Committee MAR. 14, 1979 Council MAR. 27, 1979  
Latest Revision Date

CITY OF HAMILTON  
PLANNING DEPARTMENT

CRERAR

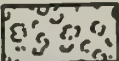




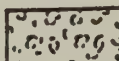
APPROVED PLAN





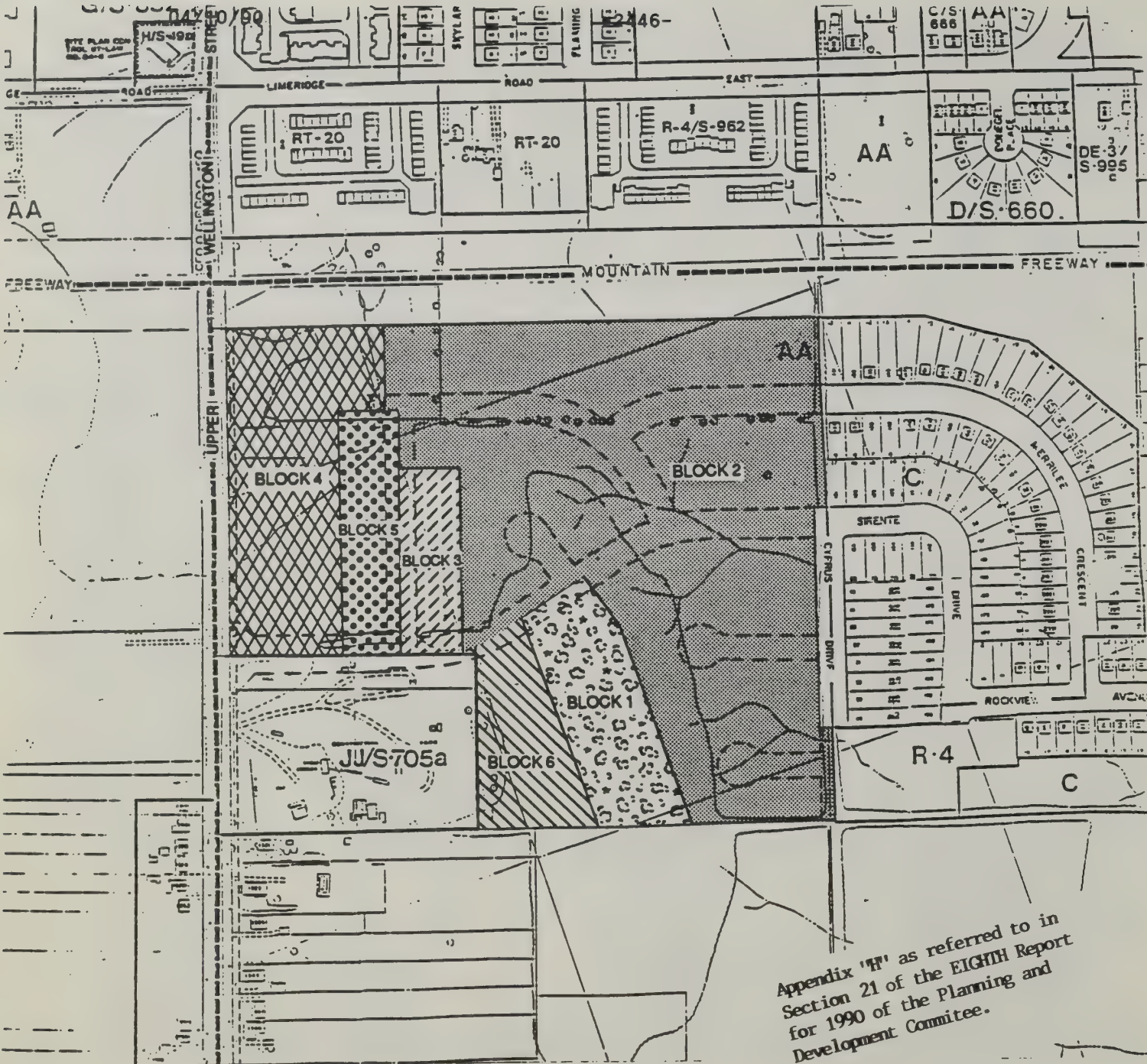
### Legend

Proposed change in zoning from "AA" (Agricultural) District to:

ZA 89-98	BLOCK 1		"A" (Conservation, Open Space, Park and Recreation) District.
	BLOCK 2		"C" (Urban Protected Residential etc.) District.
	BLOCK 3		"R-4" (Small Lot Single - Family Detached) District.
ZA 89-132	BLOCK 4		"RT-20" (Townhouse - Maisonette) District.
	BLOCK 5		"RT-30" (Street - Townhouse) District.
ZA 89-131	BLOCK 6		"A" (Conservation, Open Space, Park and Recreation) District.



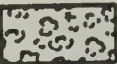





APPENDIX B



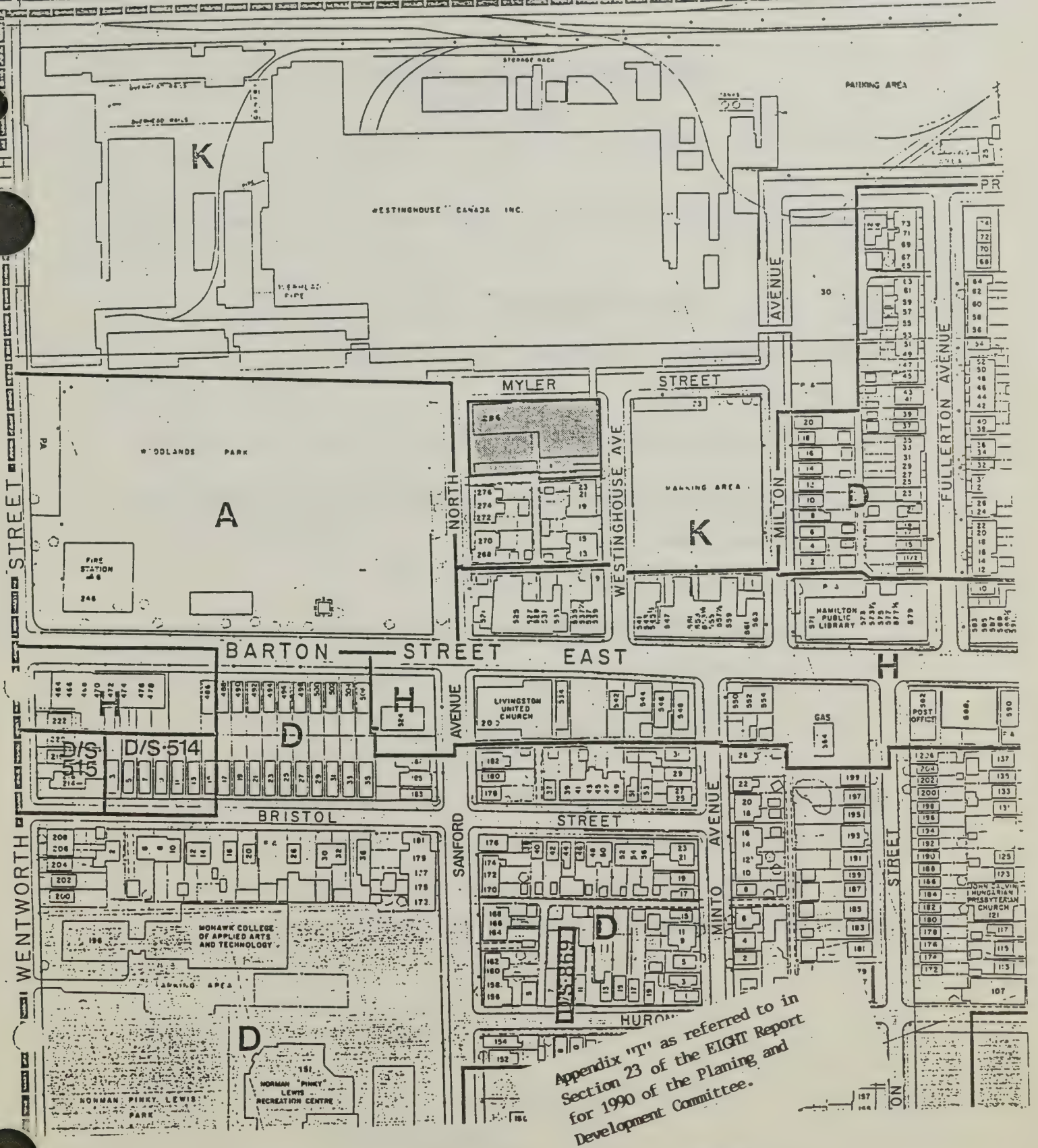
Appendix "H" as referred to in  
Section 21 of the EIGHTH Report  
for 1990 of the Planning and  
Development Committee.

### Legend

Proposed change in zoning from "AA" (Agricultural) District to:

ZA 89-88	BLOCK 1		"A" (Conservation, Open Space, Park and Recreation) District.
	BLOCK 2		"C" (Urban Protected Residential etc.) District.
	BLOCK 3		"R-4" (Small Lot Single - Family Detached) District.
ZA 89-132	BLOCK 4		"RT-20" (Townhouse - Maisonette) District.
	BLOCK 5		"RT-30" (Street - Townhouse) District.
ZA 89-131	BLOCK 6		"E-2" (Multiple Dwellings) District.



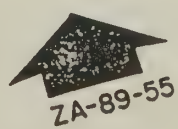


Legend



Site of the Application

Appendix "I" as referred to in  
Section 23 of the EIGHT Report  
for 1990 of the Planning and  
Development Committee.



ZA-89-55

REPORT OF THE NOMINATING COMMITTEE

To the Council of The Corporation of the City of Hamilton.

Members of Council:

The Nominating Committee presents its FIRST Report for the year 1990 and respectfully recommends:

1. Approval of the following appointment:

Hamilton Entertainment and Convention Facilities Inc.

Mr. Angelo DiIanni

Term of office to expire 1991 December 31

2. (a) That the Terms of Reference of the Keep Hamilton Clean Committee be amended to increase the composition of the Committee by one (1) additional member.

- (b) Approval of the following appointments:

Keep Hamilton Clean Committee

Karen Whyte  
Berta Walton

Term of office to expire 1990 December 31

3. Approval of the following appointment:

Property Standards Committee

Michael Dale Parayeski

Term of office to expire 1991 November 30

Respectfully Submitted,

ROBERT M. MORROW  
CHAIRMAN

1990 April 10

MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, APRIL 24, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher,  
Ross, Murray.

ABSENT: Alderman Smith (City Business).

His Worship Mayor Robert M. Morrow called the meeting to order.

Father Spracz, Holy Cross (Croatian) Church, led the Council in prayer.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) "DAY OF MOURNING" - April 28, 1990
- (b) Presentation of a Grant by Dr. Lily Oddie Munro, M.P.P., Hamilton Centre, to the Hamilton and District Labour Council, towards the Injured Workers Monument.
- (c) "TORNADO AWARENESS DAY" - April 20, 1990
- (d) "ORGAN DONOR AWARENESS WEEK" - April 22-28, 1990
- (e) "SAVE THE CHILDREN WEEK" - April 29-May 5, 1990
- (f) "NATIONAL FOREST WEEK" - May 6-12, 1990
- (g) "ARBOR WEEK" - April 27-May 6, 1990

\* \* \* \* \*

The Great Ride To Beat Cancer - Invitation to Participate.

\* \* \* \* \*

PRESENTATIONS:

- (a) Jamesville Plaques re Historic and Economic Redevelopment of James Street North - by Alderman Wm. McCulloch.
- (b) Recognition of Contest Winners - Culture and Recreation Services Slogan "Friendly and Fun".

\* \* \* \* \*

The minutes of the meeting of April 10, 1990, were taken as read and approved.

\* \* \* \* \*

The following communications were received and forwarded to the appropriate Committee, except as indicated:

- 1. Letter dated April 3, 1990, from Mr. David T. Wilson, President, Hamilton and District Labour Council C.L.C., 1025 Barton Street East, Hamilton, Ontario, re bilingualism. **Received.**
- 2. Letter dated April 3, 1990, from Mr. James C. Andrews, Clerk Co-ordinator, County of Wellington, 74 Woolwich Street, Guelph, Ontario, re St. Marys Cement Co. - Tire Derived Fuel Project. **Referred to Finance and Administration Committee.**
- 3. Letter dated April 12, 1990, from Ms. Louise Gartshore, Assistant Clerk, City of Woodstock, Ontario, re recommendations from the DUTI Committee (Driving Under the Influence). **Referred to Transport and Environment Committee.**
- 4. Letter dated March 30, 1990, from Mr. Michael D. Panopoulos, President, Jamesville B.I.A., 329 James St. North, Hamilton, Ontario, re increase in parking meter rates. **Referred to Transport and Environment Committee.**
- 5. Application dated April 10, 1990, from Mr. John Morrison, 1159 Rawlings Drive, Pickering, Ontario, for a change in zoning of property located at 172 Sanford Avenue South. **Received.**
- 6. Application dated April 12, 1990, from Mr. Joe Majstorovich, 111 Monte Drive, Hamilton, Ontario, for a further modification to the zoning of property located at 2289 Barton Street East. **Received.**

7. Application dated April 18, 1990, from 668550 Ontario Limited, (A. Tuite and L. Centurami), 55-59 Rymal Road East, Hamilton, Ontario, for a change in zoning of property located at 69 and 75 Rymal Road East.  
**Received.**
8. Letter dated April 24, 1990, from Mr. Fred Loft, President, C.U.P.E., Local 5, re disciplinary matter concerning a member or members of C.U.P.E., Local 5.  
**Referred to Finance and Administration Committee.**

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Merling in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE- THIRTEENTH REPORT.

It was moved by Alderman Drury and seconded by Alderman Christopherson.

RESOLVED: that Sections 20 and 21, re establishment of Wheelchair Accessible Integrated Taxi Licences, be referred to the Taxi Advisory Committee with instructions to re-examine the Licensing Department Report of March 29, 1990.  
**CARRIED.**

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: that the following be added as Section 28:

"28. That the estimated \$23,000. required for the treatment of sidewalks on Main Street West, from Highway 403 to Locke Street, as approved by City Council 1990 April 10, be financed from savings within the 1990 Road and Sidewalk Reconstruction Program." - **CARRIED.**

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE - EIGHTH REPORT.

Recorded vote on Section 4. (Re: Awarding of a Purchase Order  
for the Spraying of Grass in  
Various Parks.)

YEAS: Aldermen Cooke, Agro, McCulloch, Copps, Christopherson,  
Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Murray and seconded by Alderman  
Gallagher.

RESOLVED: that Section 12, re parking lot improvements at the  
King's Forest parking lot, be amended by deleting  
Subsection (b), reading as follows:

"(b) That the City Treasurer be authorized to  
redirect funds from the Chedoke Golf Course  
parking lot project to facilitate immediate  
improvements at King's Forest."

be deleted and the following substituted in lieu  
thereof:

"(b) That the Finance and Administration Committee  
be requested to recommend the method of  
financing." - CARRIED.

\* \* \* \* \*

It was moved by Alderman Murray and seconded by Alderman  
Gallagher.

RESOLVED: that Section 13, re installation of chain link  
fencing at the three sports fields at Globe Park,  
be amended by deleting Subsection (b), reading as  
follows:

"(b) That the cost of providing chain link fencing  
around three ball diamonds of \$39,598. be taken  
from the Capital Funds Account No. CF5200-  
628754003, 'Upgrading of Stadium Facilities,  
Bernie Arbour Stadium'."

be deleted and the following substituted in lieu  
thereof.

"(b) That the Finance and Administration Committee be requested to recommend the method of financing." - CARRIED.

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE- NINTH REPORT.

\* \* \* \* \*

(D) PLANNING AND DEVELOPMENT COMMITTEE - NINTH REPORT.

\* \* \* \* \*

(E) CITY OF HAMILTON LICENSING COMMITTEE - SECOND REPORT.

\* \* \* \* \*

(H) INFORMATION SYSTEMS COMMITTEE - SECOND REPORT.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman J. Gallagher be appointed Acting Mayor for the month of May, 1990. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

NOTICES OF MOTION

Alderman Murray gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED: that the Mayor's Race Relations Committee be restructured by reducing its membership to 12 members, and those citizens applying for membership would be subject to the same procedures that are in place to select other Committees or Boards reporting to Council. The Finance Committee would be responsible for holding interviews to select membership and that the new restructured Committee would report to the Finance and Administration Committee.

\* \* \* \* \*

Alderman McCulloch gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED: that the Council change the constitution of the Committee of Adjustment, to consist of members of Hamilton City Council, for a period of six months.

\* \* \* \* \*

Alderman Agro gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED: that the H.E.C.F.I. Board be restructured as a nine (9) member Board, consisting of six (6) citizen members, the Mayor, and two (2) Aldermen and, further, that the H.E.C.F.I. Board select both the Chairman and Vice-Chairman of the Board, and that the new Board determine ways and means of giving each of the three (3) facilities more autonomy.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-16,  
D-46, D-47, D-48.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Merling in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time.

A-16,  
D-46, D-47, D-48.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 9.25 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its THIRTEENTH Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Battlefield Equipment, Stoney Creek, in the amount of \$21 490.81 for the purchase of forty-nine (49) Gas Weedeaters, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of eight (8) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X503 00101.

2. That a purchase order be issued to Crossroads Equipment, Jerseyville, in the amount of \$12 830.01 for the replacement of two (2) AMT 622 Utility Vehicles, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: As these vehicles are replacements for the units vandalized at King's Forest Golf Course and are required immediately for the start of the golf season, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest of three (3) tenders received. Funds provided in Reserve for Uninsured Losses, Account No. CH 5X306 00117.

3. That a purchase order to issued to R.M.C. Equipment Ltd., Newmarket, in the amount of \$41 018.40 for the replacement of two (2) GreensMowers, Units #9941, #9943, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of three (3) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X503 00101.

4. That a purchase order be issued to R.M.C. Equipment Ltd., Newmarket, in the amount of \$38 102.40 for the replacement of three (3) 5 Gang Mowers, Units #9909 and #9908 (2), Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X503 00101.

5. That a purchase order be issued to R.M.C. Equipment Ltd., Newmarket, in the amount of \$17 598.60 for the replacement of one (1) 7 Gang Mower, Unit #9909, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable for six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X503 00101.

6. That a purchase order be issued to Ontario Turf Equipment, London, in the amount of \$33 777 for the purchase of forty-five (45) 20" Commercial Walk Behind Mowers, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment, Account No. CH 5X503 00101.

7. That a purchase order be issued to G. C. Duke Equipment, Burlington, in the amount of \$49 674.60 for the replacement of one (1) All-Hydraulic Ride-On Gang Mower, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: As this mower is a replacement for the unit vandalized at King's Forest Golf Course and is required immediately for the start of the golf season, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest acceptable of four (4) tenders received. Funds provided in Reserve for Uninsured Losses, Account No. CH 5X306 00117.

8. That the Manager, Property Maintenance Division, be authorized and directed to erect a reviewing stand and all other pertinencies at a location to be determined, on Saturday 1990 May 26 on the occasion of the annual Boy Scouts of Canada Parade.

NOTE: Funds provided in Account No. CH 55222 10034, Use of City Hall Facilities and Equipment by Outside Groups.

9. (a) That permission be granted to the Culture and Recreation Department to use the first floor foyer and equipment at City Hall from 1990 May 16 to May 18 from 9:30 a.m. to 4:30 p.m. inclusive, to hold registration for the Hamilton Senior Games.  
  
(b) That permission be granted to display a Hamilton Senior Games banner in an appropriate location in City Hall during this time.
10. That the request of the Salvation Army to fly the Salvation Army Red Shield flag at City Hall during the month of May in recognition of Red Shield Month, be approved.
11. That the Keep Hamilton Clean Committee be granted permission to use an area at the east end of the second floor of City Hall on Thursday and Friday, 1990 May 3 and 4 for the purposes of handing out garbage bags and other material to participating groups for PITCH-IN Week which is to be held, this year, during the week of May 7 through 13.
12. That approval be given to the request of CKOC 1150/K103 FM to set up a live remote to broadcast their talk show "90 Minutes Live from Hamilton" in the second floor foyer area of City Hall on May 3 and/or May 4 to promote PITCH-IN Week.
13. That a grant in the amount of \$1 980 be made to the Hamilton Corporate Challenge to be used towards the cost of entering and sponsoring two teams of civic employees to take part in the Hamilton Corporate Challenge on Sunday, 1990 June 10 at McMaster University, and that this expenditure be financed from the Unclassified Account.
14. That Mr. Ed Faris's services as Supervisor of Central Microfilming be contracted for a further three month period commencing 1990 April 2 and ending 1990 June 30.
15. That a leave of absence without pay be granted to Loretta M. Zajac of the Culture and Recreation Department for the period of 1990 July 3 to 1990 September 7.

16. That the request of Mr. Ed Thomas for time off to prepare to write a book on the history of C.U.P.E. Local 5 be granted on the basis of a Non Paid Leave of Absence.

17. That the City of Hamilton and C.U.P.E. Local 5 agree to contact the Ministry of Labour and enter into a Relationship by Objectives program (Preventive Mediation), and that C.U.P.E. Local 1041 be invited to participate.

NOTE: The cost of the Relationship by Objectives program is shared by the employer, the union and the Ministry of Labour. The cost estimates of the program will be provided to the Finance and Administration Committee and City Council at such time as the scope of the program is negotiated with the Ministry of Labour.

Attached hereto and marked Appendix "A" is a joint statement by the City of Hamilton and C.U.P.E. Local 5 respecting various undertakings.

18. That a grant in the amount of \$5 000 be made to the Purchasing Management Association of Canada, Hamilton District, to assist in staging and hosting a conference with municipal subject content.

NOTE: The 65th Conference will be held in Hamilton for the first time at the Hamilton Convention Centre. Funds are provided in the Municipal Subject Content, Account No. CH 55307 80040.

19. (a) That approval be given to deliver notices to the following tenants for vacant possession of properties leased from the City of Hamilton to take effect 60 days after the date the Notice of Termination is delivered.

1. Ann's Auto Sales and Services Limited - 441 Kenilworth Avenue North
2. Debonair Tavern - 410 Birch Avenue

NOTE: These leases are being terminated pursuant to the provisions of Section 3 of the Lease Agreement which reads:-

"This lease and any subsequent term for which this lease may be in force may be terminated by the Lessor or Lessee upon 60 days' prior notice in writing by either of them to the other."

- (b) That the City Solicitor be directed to prepare the necessary notices for delivery by the Treasurer.
- (c) That the City Solicitor be directed to commence a lawsuit for outstanding arrears of rent.

- \* 20. That the Taxicab Owners of the City of Hamilton be encouraged to convert their existing Taxicab Owner Licences to Wheelchair Accessible Integrated Taxi Licences.
- \* 21. That the Finance and Administration Committee not meet with the Taxi Advisory Committee to review and consider the report prepared by Mr. S. J. Dembe, Manager, Licence Division, dated 1990 March 29 on Wheelchair Accessible Integrated Taxicabs.

NOTE: The above recommendation was lost on a tie vote of the Finance and Administration Committee and in accordance with established policy is now being submitted to City Council for consideration and disposition.

22. That the City notify the Province through the Minister of Municipal Affairs of its concerns with the timing of the contribution increase recommended by the OMERS Board and its cost implications in 1991, and request that alternative methods be examined before the OMERS proposal is approved.

NOTE: A similar resolution has been passed by Regional Council 1989 November 21.

23. (a) That in the event a Standing Committee and/or City Council approves of a program or service for which no funds have been budgeted in 1990, the Standing Committee find the required funds within their own Committee budget responsibility.
- (b) That in order to accommodate any of these additional requirements, the department/board identify a saving or service reduction deletion in a specific area of their budget.
24. That the funds for the sale of highway right-of-way from the Region of Hamilton-Wentworth (subsidized by the Province of Ontario at 70%) estimated to be approximately \$5.8 million be used to offset the development costs for the Red Hill Creek Recreation Master Plan, estimated to be \$6 045 000 in accordance with the following phased development scheduled, approved by the Parks and Recreation Committee on 1989 December 5.

1990	\$ 1 157 000
1991	923 000
1992	930 000
1993	637 000
1994	783 000
1995	<u>1 615 000</u>
<b>TOTAL</b>	<b><u>\$ 6 045 000</u></b>

- \* Sections 20 & 21 referred to the Taxi Advisory Committee with instructions to re-examine the Licencing Department Report 1990 March 29.

25. That pursuant to the new policy of the Board of Directors of Ontario Hydro in regard to Ontario Hydro's appointment of commissioners to municipal commissions in accordance with the Power Corporation Act, the name of the following candidate be submitted to Ontario Hydro to assist them in making their appointment to the Hamilton Hydro Electric Commission:

Mrs. M. L. Dingle, 93 Dalewood Crescent, Hamilton

NOTE: The Council of the Corporation of the City of Hamilton, in response to Ontario Hydro's new policy respecting the appointment of commissioners to municipal commissions, is required to submit to Ontario Hydro, a list of possible candidates to assist Ontario Hydro in making its citizen appointment to the Hamilton Hydro Electric Commission.

This new policy will in no way affect the appointment made by City Council to the Hamilton Hydro Electric Commission; however, it will require City Council to supply possible candidates to assist Ontario Hydro in making its appointment.

In accordance with established policy, the City has advertised for possible candidates for the Hamilton Hydro Electric Commission. A letter was subsequently received from Mrs. M. L. Dingle who is presently completing a second two-year term as Ontario Hydro's representative on the Hamilton Hydro Commission and at the present time is Vice-Chairman.

26. (a) That the first set of 1990 General Grant recommendations as outlined in Appendix "B" attached hereto with a total recommended grant amount of \$176 010 (Column 4), be approved.
- (b) That these grants be funded from within the appropriate Grant Accounts No. CH 5AXXX 20XXX.

NOTE: All the applicants outlined in Appendix "B" have been notified of the recommendation and on that basis have not requested an appeal.

27. That leave be granted to introduce the following Bill:

- (a) Bill A-16 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

- \* 28. That the estimated \$23 000 required for the treatment of sidewalks on Main Street West from Highway 403 to Locke Street, as approved by City Council 1990 April 10, be financed from savings within the 1990 Road and Sidewalk Reconstruction Program.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 April 19  
/bc

\* *Section 28 added during Council*

JOINT STATEMENT BY CITY OF HAMILTON AND C.U.P.E. LOCAL 5

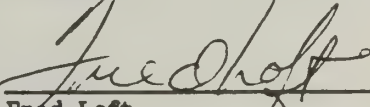
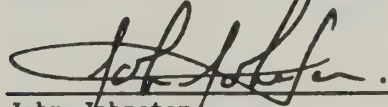
The City of Hamilton and C.U.P.E. Local 5 have agreed to the following undertakings.

- 1: That the City of Hamilton and C.U.P.E. Local 5 shall jointly contact the Ministry of Labour and enter into a Relationship by Objectives (Preventative Mediation) program. C.U.P.E. Local 1041 will also be invited to participate.
- 2: C.U.P.E. Local 5 agrees to provide to the Commissioner of Human Resources a confidential list of names detailing there specific concerns with respect to hiring and promotion within those jobs under the jurisdiction of Local 5.
3. The City of Hamilton agrees to investigate the allegations brought forward by Local 5. The investigation will be conducted by the Commissioner of Human Resources. Local 5 will designate an official who will agree to maintain the confidentiality of the information provided and who will review the findings with the Commissioner of Human Resources. The investigation may include student and part time positions which are in Local 5 workplaces but not under the jurisdiction of other unions. The investigation may also include names which arise from investigations under section 2. Investigations carried out under these sections shall be restricted to the preceding 12 months.
4. Local 5 agrees to obtain the permission of C.U.P.E. Local 1041 to undertake similar investigations with respect to Local 1041 and Local 5 agrees to resolve any jurisdictional or grievance concerns between Local 5 and Local 1041.
5. The City of Hamilton agrees to co-ordinate within 60 days a seminar outlining the objectives of the Performance Excellence Project for designated union officials.
6. Local 5 and the City of Hamilton recognize the need to complete the Job Evaluation program and both parties agree to continue to meet their obligations.
7. The Commissioner of Human Resources has discussed with Local 5 a proposal for the establishment of a hiring system for labourers and students similar to the present procedure for Firefighters. Resource pools for these positions would be created through a single annual advertising and selection procedure conducted by the Human Resource Center. Discussions with respect to this proposal will continue.

8. The Chief Administrative Officer and Local 5 have agreed to an ongoing series of labour management meetings at the level of the C.A.O. and the President of the Local to be held approximately every second month. Both parties agree that contracting out will be an agenda item.
9. The City of Hamilton agrees to continue discussions between Local 5 and the Director's of Public Works and Culture and Recreation with respect to access to internal training for employees of those departments and specifically those employees under the jurisdiction of C.U.P.E. Local 5.
10. The Commissioner of Human Resources will prepare a report for the Finance and Administration Committee no later than its first meeting in October outlining the progress and results of this undertaking.

Signed for the City of Hamilton

Signed for C.U.P.E. Local 5



John Johnston  
Commissioner of Human Resources  
April 18, 1990

Fred Loft  
President, C.U.P.E. Local 5  
April 18, 1990

17-Apr-90

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CITY OF HAMILTON  
1990 GENERAL GRANTS

NO. (1)	APPLICANT (2)	REQUESTED RECOMMENDED AMOUNT AMOUNT		PURPOSE OF REQUEST/COMMENTS (6)
		(3)	(4)	
1	AD & SALES CLUB	2,000	1,200	OFFSET COST OF THE DISTINGUISHED CITIZEN OF THE YEAR
2	CATHOLIC YOUTH ORGANIZATION	12,810	12,810	OFFSET OPERATING PROGRAM COSTS
3	CENTRE FRANCAIS HAMILTON INC	6,860	1,000	OFFSET CULT & REC COURSES FOR CHILDREN AND SUMMER CAMP
4	CONQUEROR II DRUM & BUGLE CORPS	26,920	10,560	OPERATING COSTS FOR BAND INCLUDING TRAVELING COSTS
5	COMUNITA RACALMUTESE MARIA S.S. DEL MC	20,000	2,000	MARKETING AND PROMOTION OF FESTIVAL
6	CYCLE HAMILTON	12,500	7,500	OFFSET ROAD CLOSURE/BARRICADING & OTHER COSTS FOR BIKE RACES
7	ENVIRONMENTALISTS OF THE YEAR COMMITTEE	1,050	1,050	OFFSET COSTS OF DINNER/PRINTING BIOGRAPHIES AND PROGRAM
8	FIRST PLACE	7,000	6,500	OFFSET COSTS OF INSTRUCTIONAL STAFF FOR RECREATIONAL PROGRAMS
9	GOURLEY PARK COMMUNITY COUNCIL	1,220	0	PURCHASE BASEBALL EQUIPMENT
10	HAMILTON ALL STAR JAZZ BAND	5,000	5,000	CAPITAL EQUIPMENT PURCHASES
11	HAMILTON ARTISTS INC	9,500	9,500	5,000 OPERATING COSTS-2,500 MEMBERSHIP DRIVE-2,000 NEWSLETTER
12	HAMILTON CHILDREN'S CHOIR	700	700	OFFSET OPERATING COSTS
13	HAMILTON CONCERT BAND	3,500	3,500	OPERATING COSTS FOR BAND AND CONCERT SERIES
14	HAMILTON & DIST. CHRYSANTHEMUM & DAHL	400	0	OFFSET COSTS OF ANNUAL FALL FESTIVAL SHOW
15	HAMILTON HURRICANES FOOTBALL CLUB	2,500	2,200	OFFSET RENTAL COSTS OF HAAA GROUNDS USED FOR PRACTICES
16	HAMILTON LADIES SELECT SOCCER CLUB	1,000	500	OFFSET RENTAL COSTS OF SOCCER FIELDS
17	HAMILTON MINOR HOCKEY COUNCIL	2,000	0	HOST BANQUET (5,000) & OTHER COSTS OF ONT. BANTAM CHAMPIONSHIP TOURNAMENT
18	HAMILTON PONTIACS LADIES SOFTBALL TEAM	1,180	1,180	OFFSET OPERATING COSTS
19	HAMILTON SANTA CLAUS PARADE	25,000	17,500	OFFSET OPERATING COSTS OF PARADE
20	HARLEQUIN SINGERS	6,000	2,000	TO ACQUIRE NEW UNIFORMS
21	JAMES STREET BAPTIST CHURCH	50,000	0	TO REDUCE O/S DEBT LOAD VIA LOW INTEREST LOAN FOR THE NEXT 3 YRS.
22	JUNIOR ACHIEVEMENT	7,500	7,500	OFFSET OPERATING COSTS
23	MUSIC HERE AND NOW	1,000	1,000	OFFSET COSTS OF PAYING MUSICIANS
24	NATIVE YOUTH ORCHESTRA	500	500	OFFSET TRAINING COSTS OF HAMILTON STUDENTS AND AUDITION COSTS
25	NATIVE INDIAN/INUIT PHOTOGRAPHERS ASSC	14,280	7,000	OFFSET OPERATING COSTS
	SUBTOTAL	220,330	100,710	

17-Apr-90

**CITY OF HAMILTON  
1990 GENERAL GRANTS**

PAGE 2

NO. (1)	APPLICANT (2)	REQUESTED RECOMMENDED AMOUNT AMOUNT		PURPOSE OF REQUEST/COMMENTS (6)
		(3)	(4)	
26	SIR ERNEST MACMILLAN STRING ENSEMBLE	7,100	7,100	OFFSET OPERATING COSTS
27	ST. ANN'S INNER CITY DAY CAMP	1,500	0	OFFSET OPERATING COSTS-PROGRAM OF CYO
28	SYMPHONY HAMILTON	7,700	7,700	OFFSET OPERATING COSTS
29	THEATRE AQUARIUS	40,000	40,000	OFFSET OPERATING COSTS-RENTAL AT HAMILTON PLACE
30	THEATRE TERRA NOVA	12,000	4,000	OFFSET OPERATING COSTS
31	TOY TOWN TROUPERS	22,000	8,000	OFFSET OPERATING COSTS
32	TRANSWAY BASKETBALL	4,000	2,000	OFFSET OPERATING COSTS
33	VOLUNTEER RECOGNITION NIGHT	9,490	8,000	OFFSET COST OF APPRECIATION NIGHT AT THE CONVENTION CENTRE
34	WEEK OF THE CHILD COMMITTEE	2,000	500	OFFSET OPERATING COSTS
<b>TOTAL</b>		<u>328,120</u>	<u>178,010</u>	

## REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its EIGHTH Report for 1990 and respectfully recommends:

1. (a) That a Garden Plot at Billy Sherring Park on Upper Sherman Avenue be approved for a Summer Garden Project with the Neighbour to Neighbour Centre on an annual basis.
- (b) That the City Solicitor be authorized to prepare a "Use Agreement" with the Neighbour to Neighbour Centre for the use of City land at Billy Sherring Park for a garden plot.
2. (a) That an Option to Purchase executed by Andre Dumas, President, Dumas Developments Limited on 1990 March 30 and scheduled for closing on or before 1990 June 29 for the purchase by the City of part of Lots 2 and 3, Spruceside Avenue in the amount of \$154 000, be approved and completed. Further this option to purchase is subject to the City of Hamilton accepting an Offer to Purchase part of Park Lot 6, Registered Plan 60 not later than 1990 May 01. The said Offer to Purchase and this Option are to be finalized contemporaneously with each other.

NOTE: The property which is required by the City for park purposes is composed of part of Park Lot 6, Registered Plan 60 and part of Lots 1, 2 and 3, Registered Plan 394 being an irregular parcel of land, having a frontage on the easterly limit of Spruceside Avenue of 5.21 metres (17.09 feet), more or less, and a depth of 31.93 metres (104.75 feet), more or less, along the southerly limit.

The purchase price of \$154 000 is to be charged to Account No. CH5X306 00201 (Reserve for Acquisition of Park Lands), in which sufficient funds are available to finalize this transaction.

- (b) That an Offer to Purchase executed by Andre Dumas, President, Dumas Developments Limited on 1990 March 30 and scheduled for closing on or before 1990 June 29 for the sale by the City of lands fronting on Aberdeen Avenue for the sum of \$4 000 to be credited to Account No. CH4X501 00201, be approved and completed.

NOTE: The property is composed of part of Park Lot 6, Registered Plan 60 being an irregular parcel of land having a frontage on the southerly limit of Aberdeen Avenue of 6.39 metres (20.98 feet), more or less.

southerly limit of Aberdeen Avenue of 6.39 metres (20.98 feet), more or less.

3. (a) That the lease with Gordon Haines and Evelyn Haines for City owned land at the rear of 162 San Francisco Avenue be terminated 1990 April 30 and that the land be leased to the new owner of 162 San Francisco Avenue, Mr. Josef Fink, commencing 1990 May 01.
- (b) That the Mayor and City Clerk be authorized to execute a lease agreement satisfactory to the City Solicitor.

NOTE: The subject property is located at the rear of 162 San Francisco Avenue having an area of approximately 128.2 square metres (1,380 square feet), to be leased for the sum of \$1 per year plus appropriate taxes and credited to Account No. CH44104 31106.

- \*4. (a) That item 8 of the Eleventh Report of the Parks and Recreation Committee, passed by Council 1989 April 25, which approved awarding an order to Bobby Lawn Inc., Hamilton, for the spraying of grass in various parks, Section 3 during 1989, 1990 and 1991, be rescinded for the years 1990 and 1991.
- (b) That a purchase order be issued to Lawn Ranger, Pickering, for the spraying of grass in various parks, Section 3, for the years 1990 and 1991, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

	1990	1991
Price per application	\$17 410.78	\$18 283.54

NOTE: Lowest of three (3) tenders received. Funds provided in Park Maintenance Weed Spray Programme Account No. CH56398 62126.

Bobby Lawn Inc., has indicated that it can no longer continue with the contract for 1990 and 1991 at the prices tendered.

5. That a purchase order be issued to Hands Fireworks Inc., Milton, in the amount of \$17 500 for the Fireworks Display, Victoria Day, in accordance with Vendor's quotation.

NOTE: Lowest acceptable of two (2) quotations received. Funds provided in May 24 Celebrations Account No. CH55327 70005.

\* Recorded vote, see page 2452

6. That permission be granted to Racalmutese Maria S. S. Del Monte Ontario Inc. to conduct a fireworks display on the Lax Property on 1990 June 10, in conjunction with the festival planned for 1990 June 8, 9, and 10, in honour of Maria Santissima Del Monte, subject to the following terms and conditions.
  - (a) That a licensed operator be responsible for carrying out the fireworks display.
  - (b) That the Racalmutese Maria S. S. Del Monte Ontario Inc. have in place \$2 Million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as Co-insured.
  - (c) That the applicant assume the responsibility for all labour related charged related to the event (i.e. clean-up).
  
7. That the application by the Hamilton-Wentworth Creative Arts Council to host, "Festival of Friends" in Gage Park from 1990 August 10-12, inclusive, be approved, subject to the following terms and conditions:
  - (a) That \$2 million Comprehensive General Liability for Property Damage and Bodily Injury, naming the City as co-insured be provided.
  - (b) That location of various booths and activities within the park be subject to the approval of the Parks Division in order to reduce damage and high maintenance costs.
  - (c) That the organizer assume "actual labour charges" associated with the events as reported by the Parks Division, subsequent to Parks Division representatives meeting with the organizers.
  - (d) That the list of scheduled entertainment be forwarded to the Director of Culture and Recreation at least one (1) month prior to the event in order that same can be forwarded for review and approval by the Parks and Recreation Advisory Sub-Committee.
  - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
  - (f) That the bandshell rental of \$35 per date be applicable.
  - (g) That the organizers arrange for public announcements throughout the event advising the general public that animals are prohibited in the park.

- (h) That any electrical engaged by the applicant to provide additional power sources must be approved by the City.
  - (i) That a detailed accounting of revenues and expenditures satisfactory to the City Treasurer be submitted to the Parks and Recreation Committee following the event.
  - (j) That the Parks and Recreation Advisory Sub-Committee oversee the operation of this event.
  - (k) That the Noise Control Officer be requested to monitor and control the noise levels of concerts held in Gage Park during the Festival.
8. That the weekday green fee rate be eliminated at Chedoke Golf Course and that the weekend green fee rate be applicable.

NOTE: The resulting fees will be as follows:

Martin	\$16.00
Martin - Twilight	\$14.00
Beddoe	\$18.00
Beddoe - Twilight	\$16.00

9. That the Director of Culture and Recreation be authorized to bid for the 1992 Ontario Senior Games (Actifest - '92).
10. That the Director of Culture and Recreation, along with the Director of Purchasing and the City Solicitor, be authorized to make the necessary amendments to concession contracts at parks, arenas and sport areas, to clarify that the owner of equipment and chattels is responsible for repairs and replacement.
11. That approval be given to Dundurn Castle to apply for an Internship Training Grant - Ministry of Culture and Communications for a Program Assistant.

12. (a) That approval be given to undertake parking lot improvements at the King's Forest parking lot in the estimated amount of \$96 200 to add 6 in. - 8 in. Granular Material and a Double Surface Treatment.

\*(b) That the City Treasurer be authorized to redirect funds from the Chedoke Golf Course parking lot project to facilitate immediate improvements at King's Forest.

13. (a) That approval be given to install chain link fencing at an estimated cost of \$39 589 at the three sports fields at Globe Park where the lighting was installed under the project "Globe Park - Lighting of Three Sports Fields".

\*\*(b) That the cost of providing chain link fencing around three ball diamonds of \$39 589, be taken from the Capital Funds Account No. CF5200-628754003, "Upgrading of Stadium Facilities, Bernie Arbour Stadium".

14. (a) That the former Strathcona Firehall located on the North west corner of Strathcona Avenue North and Head Street be purchased by the City for \$1 from the Hellenic Community to be used as a cultural facility and moved to a temporary site in Victoria park (facing Strathcona Avenue at the head of Lamoureux Street) subject to a final decision for a permanent location.

(b) That the costs of moving the building be charged to City's Reserve Fund for the Acquisition of Historic Properties.

NOTE: An original estimate to move and relocate the building on a full Basement was in the amount of \$210 000, this cost will be increased to include a interim move to the temporary site.

(c) That a Special Account, be opened under the auspices of the Corporation of the City of Hamilton as the "Friends of the Strathcona Firehall" Account to receive donations for the relocation of the Firehall.

(d) That the responsibility for administering and operating the Strathcona Firehall as a cultural facility be within the Department of Culture and Recreation.

(e) That all avenues for alternate sources of funding be investigated including the senior levels of Government as well as from the private sector.

\* *Section 12(b) amended to read:*

*That the Finance and Administration Committee be requested to recommend the method of financing.*

\*\* *Section 13(b) amended to read:*

*That the Finance and Administration Committee be requested to recommend the method of financing.*

NOTE: For the Information of the Members of Council, the Parks and Recreation Committee have requested that the Director of Culture and Recreation prepare a full report on the relocation of the Strathcona Firehall to include permanent sites; moving costs both temporary and permanent; costs to upgrade the building; and administration and maintenance costs of the cultural facility.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 April 17

\* REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its NINTH Report for 1990 and respectfully recommends:

1. (a) That for the 1990 - 1991 season, the ice time priority will be to provide games and practices for minor hockey at municipal arenas.
  - (b) That the formula for this allocation will provide:
    - i. A game, per week and a shared ice practice for 187 recreational teams.
    - ii. A 20 hour per week allocation for 27 inter-rink H.U.B. teams, inter-rink H.U.B. teams.
    - iii. A 26 hour per week allocation for the 16 A.A. and A.A.A. teams for games.
    - iv. Practice time for inter-rink (H.U.B.), A.A., A.A.A., as possible when formula priorities for recreational games and practices, H.U.B., A.A., A.A.A. games are scheduled.
  - (c) That other applicants for hockey ice time will be assigned after minor hockey, ringette, figure skating and pleasure skating have been accommodated.
  - (d) That the City Treasurer and the Director of Culture and Recreation be authorized to revise the 1990 schedule of the Capital Budget, pertaining to Parks and Recreation Projects, to schedule the construction of an air structure, twinning the Mountain Arena this year, and so recommend to the Finance and Administration Committee.
- 
2. That the Director of Culture and Recreation be authorized to amend the current fee structure applied to minor hockey, from a formula based on an annual fee per player per year to a formula based on an hourly rental fee for hours booked. It is understood that the resultant hourly fees will equate to a player registration fee increase not to exceed 7%. This is for a pilot year commencing September 1990.

NOTE: For the information of the Members of City Council, the Parks and Recreation Committee held a Public Meeting on 1990 April 23 to discuss Municipal Ice Allocation Policy; Minor Hockey Rates and Fees, and hear delegations from the Hockey and Skating Community.

\* *Report added during Council*

The Committee was in receipt of a report dated 1990 April 11 from the Director of Culture and Recreation indicating that ice time availability has reached crisis proportions for the 1990-1991 season and requires immediate emergency measures to provide ice time for minor hockey. Private rink closing, adult allocation priorities and facility disrepair have accelerated the current position.

The twinning of the Mountain Arena with an air supported structure will relieve all community arenas for an accumulated 24 hours of figure skating, Can Skate and Learn to Skate Programs. It will move all pleasure skating from the Mountain Arena to open additional hours.

It is estimated that the twinning Mountain Arena with an air structure will cost \$1.5 million.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 April 23

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its NINTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
  - (a) 215 Chester Street
  - (b) 30 William Street
2. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for 96 James Street South, the James Street Baptist Church. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the James Street Baptist Church, 96 James Street South, Hamilton.
3. That an increase under the Commercial Facade Loan Programme, in the amount of two thousand and nine dollars (\$2,009.) be approved for 355 Barton Street East, Ms. C. Rodriguez, for a new loan amount of eleven thousand, six hundred and eighty-three dollars (\$11,683). The interest rate will be 6-3/4 percent, amortized over 10 years.
4. That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front and rear property lines, for the lands municipally known as 1489-1545 Upper James Street, as shown on the attached map marked as Appendix "A".

NOTE: The purpose of this by-law is to delete Schedule "A" of By-law No. 88-135 and replace it with a revised Schedule "A", for lands municipally known as 1489-1545 Upper James Street.

The effect of this by-law is to correct the dimensions for the front and rear lot lines which were incorrectly shown. It should be noted, that the new Schedule will be consistent with the properties stipulated in the text of By-law No. 88-135 and will not result in an extension of the zoning boundary.

5. (a) That the Planning and Development Committee advise the Committee of Adjustment of its concern respecting the approval of applications which are not "minor variances".
  - (b) That the Planning and Development Committee direct the Planning and Development Department to file appeals, subject to Committee and Council ratification, against those decisions of the Committee of Adjustment which are deemed not to be minor in nature, or in keeping with the intent and purpose of the Zoning By-law and/or Official Plan.
  - (c) That the Building Commissioner be directed to prepare an Information letter to be given out to all applicants to the Committee of Adjustment advising them that the Committee mandate is to consider matters of "minor variances".
- 
6. That approval be given to Zoning Application 89-125, Joan and Bruce Richardson & Ruby and Wellman Stockton, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to create two single-family dwelling building lots fronting onto Christie Street, for property located at 63 and 67 Malton Drive, as shown on the attached map marked as Appendix "B", on the following basis:
    - (a) That the subject properties be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
    - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
    - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District modified for properties located at 63 and 67 Malton Drive.

The effect of the By-law is to provide for the creation of two single-family residential lots at the rear of the subject properties, fronting onto Christie Street.

7. That approval be given to Zoning Application 89-130, A. Cameracci, agent/owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District (Block "2"), for the rear part of properties located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the rear part of property located at 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.

The effect of the By-law is to permit future development of the subject lands for small lot single-family detached dwellings fronting onto the proposed extension of Acadia Drive.

8. (a) That approval be given to Subdivision Application 89-26, Yaser Sharif, owner, to establish a draft plan of subdivision on the east side of Upper Paradise Road south of Skyview Drive, subject to the following conditions:
- (i) That approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated 1989 October 20, revised to show 38 lots, Block "39" for a day care centre and a 9.0m wide walkway, Block "40".
  - (ii) That the streets be dedicated to the City of Hamilton as public highway on the final plan.

- (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
  - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
  - (viii) That the owner landscape the 9.0m wide walkway (Block "40") to the satisfaction of the City of Hamilton.
  - (ix) That this plan not be registered until the construction of storm and sanitary sewer services for Upper Paradise Road have been approved.
  - (x) That the radius transition which abuts the cul-de-sac bulb be changed from 4.5m to 9.0m.
  - (xi) That the street align with the existing street to the north.
  - (xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-26), Yaser Sharif, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

9. That approval be given to Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" for property municipally known as 991 Upper Paradise Road, to permit single-family detached dwellings, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", for the property municipally known as 991 Upper Paradise Road.

The effect of the By-law is to permit future single-family residential development on Block "1".

10. That approval be given to Zoning Application 89-114, Daniel Stuart Alvey, agent for the owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-family Detached) District to create three building lots for small lot single-family detached dwellings, for property located at the rear of 1490 Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at the rear of 1490 Upper Gage Avenue.

The effect of the By-law is to create three (3) building lots for small lot single-family detached dwellings, fronting onto the proposed extension of Elmore Drive.

11. That approval be given to Zoning Application 90-12, Alena Miller, owner, requesting a change in zoning from "L-mr-1" (Planned Development-Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified (Block "2"), to permit a single-family dwelling on Block "1", and either a single-family dwelling, a two-family dwelling or townhouse dwelling having 3 units on property located at 1574 Upper Gage Avenue (Block "2"), as shown on the attached map marked as Appendix "F", on the following basis:
- (a) That the lands described as Block "1" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
  - (b) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District;
  - (c) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the lands described as Block "2", be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 10D(7)(a) of By-law No. 6593 a townhouse dwelling having a maximum of only 3 single-family dwelling units shall be permitted;
    - (ii) That notwithstanding Section 10D(7)(b) of By-law No. 6593 a minimum lot width of 20.20 m shall be permitted.
  - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1173, and that the subject lands on Zoning District Map E-38C be notated S-1173;
  - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;

- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (g) That the Eleanor Neighbourhood Plan be amended by redesignating Block "1" from "Attached Housing" to "Single and Double" residential.

NOTE: The purpose of the by-law is to provide for changes in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development-Multiple Residential) District to "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified (Block "2"), for property located at 1574 Upper Gage Avenue.

The effect of the by-law is to permit a single-family detached dwelling on Block "1", and either a single-family detached dwelling, a two-family dwelling or 3 unit townhouse dwelling on Block "2".

In addition, the By-law provides for the following variances as special requirements:

- (a) To restrict the maximum number of townhouse dwelling units on Block "2" to three (Section 10D(7)(a));
- (b) To permit a minimum lot width of 20.20 m for townhouse development on Block "2" instead of the required 27.0m (Section 10D(7)(b)).

12. That approval be given to Zoning Application 90-16, H.C. Harnden and H.A. Anderson, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1610, 1614, 1620 and 1626 Upper Gage Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", for property located at 1610, 1614, 1620, and 1626 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for street-townhouses, townhouses or maisonettes.

13. That approval be given to Zoning Application 90-02, Juan Puig, owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit the wholesale of steel and steel products, on property located at 70 and 80 Lancing Drive, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17F(1)(b), the following additional commercial use shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
Iron and Steel Primary Forms and Structural Shapes, Wholesale	5611

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1174, and that the subject lands on Zoning District Map E-59D be notated S-1174;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for properties located at 70 and 80 Lancing Drive.

The effect of the By-law is to permit the following additional commercial use:

Commercial Use

S.I.C. Identification

Iron and Steel  
Primary Forms  
and Structural  
Shapes, Wholesale

5611

14. (a) That approval be given to Official Plan Amendment No. 88 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 90-15, M. Mercanti, owner, requesting a further modification to the "M-13" (Prestige Industrial) District regulations, to permit the development of the subject lands for a 50 room motel/hotel, two banquet halls having 200 seats each and a Wedding Centre containing a catering business, limousine service, bridal boutique, video store, jewellery shop, flower/balloon shop, video/photo studio, gift shop, travel agency, and chapel, for lands located on the west side of Anchor Road in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That notwithstanding Sections 17E(1)(a), (c) and (d), a wedding centre comprised of one or more of the following uses shall be permitted:

Residential Uses

S.I.C. Identification

- |      |                            |      |
|------|----------------------------|------|
| (1.) | Hotel (max. 50 rooms); or, | 9111 |
| (2.) | Motel (max. 50 rooms)      | 9112 |

Commercial Uses

- |      |  |      |
|------|--|------|
| (1.) | Other Transportation Services n.e.c.,<br>(restricted to a limousine service<br>(exc. airports and stations)) | 4589 |
| (2.) | Womens Clothing Store<br>(restricted to a Bridal Boutique)   | 6131 |
| (3.) | Florist Shop   | 6521 |

(4.)	Jewellery Store	6561
(5.)	Gift, Novelty & Souvenir Store (restricted to a gift shop and balloon store)	6582
(6.)	Operators of Non-Residential Buildings (restricted to two banquet halls maximum capacity of 200 persons each)	7512
(7.)	Caterers	9214
(8.)	Motion Picture Video Production (restricted to video production)	9611
(9.)	Religious Organizations (restricted to a chapel)	9811
(10.)	Photographers	9931
(11.)	Ticket and Travel Agency	9961

Industrial Use

(1.)	Dry Pasta Products Industry	1092
------	-----------------------------	------

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-658c, and that the subject lands on Zoning District Map E-69B be notated S-658c;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69B for submission to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 88 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the by-law is to provide for a further modification to the "M-13" (Prestige Industrial) District regulations for the property located on the west side of Anchor Road in the area south of Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a wedding centre comprised of one or more of the following uses:

Residential Uses

- (a) Hotel (maximum 50 rooms); or
- (b) Motel (maximum 50 rooms)

Commercial Uses

- (a) Two banquet halls, having 200 seats each;
- (b) Catering business;
- (c) Limousine service;
- (d) Bridal boutique;
- (e) Jewellery store;
- (f) Video/photo studio;
- (g) Gift shop;
- (h) Flower/balloon shop;
- (i) Chapel;
- (j) Travel agency.

Industrial Use

- (a) Manufacturing of dry pasta products.

15. That approval be given to Zoning Application 90-30, Regina Pirro, owner, requesting the removal of the 'H' (Holding) symbol under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a by-law for submission to City Council for property located at 12 Ray Street South, as shown on the attached map marked as Appendix "J".

NOTE: The purpose of this by-law is to remove the 'H' (Holding) Symbol for the property located at 12 Ray Street South. The holding provision was placed on the subject lands until such time as adequate parking was provided on-site. In this regard, the site can accommodate four (4) parking spaces.

The effect of this by-law is to permit the conversion of the existing building for such uses as a hair dresser, beauty salon, business offices, etc. Professional offices are excluded.

16. (a) That the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood remain open and the Neighbourhood plan not be changed, as attached herewith on Appendix "K".
- (b) That the Transport and Environment Committee be informed of the above-noted recommendation contained in Section (a).

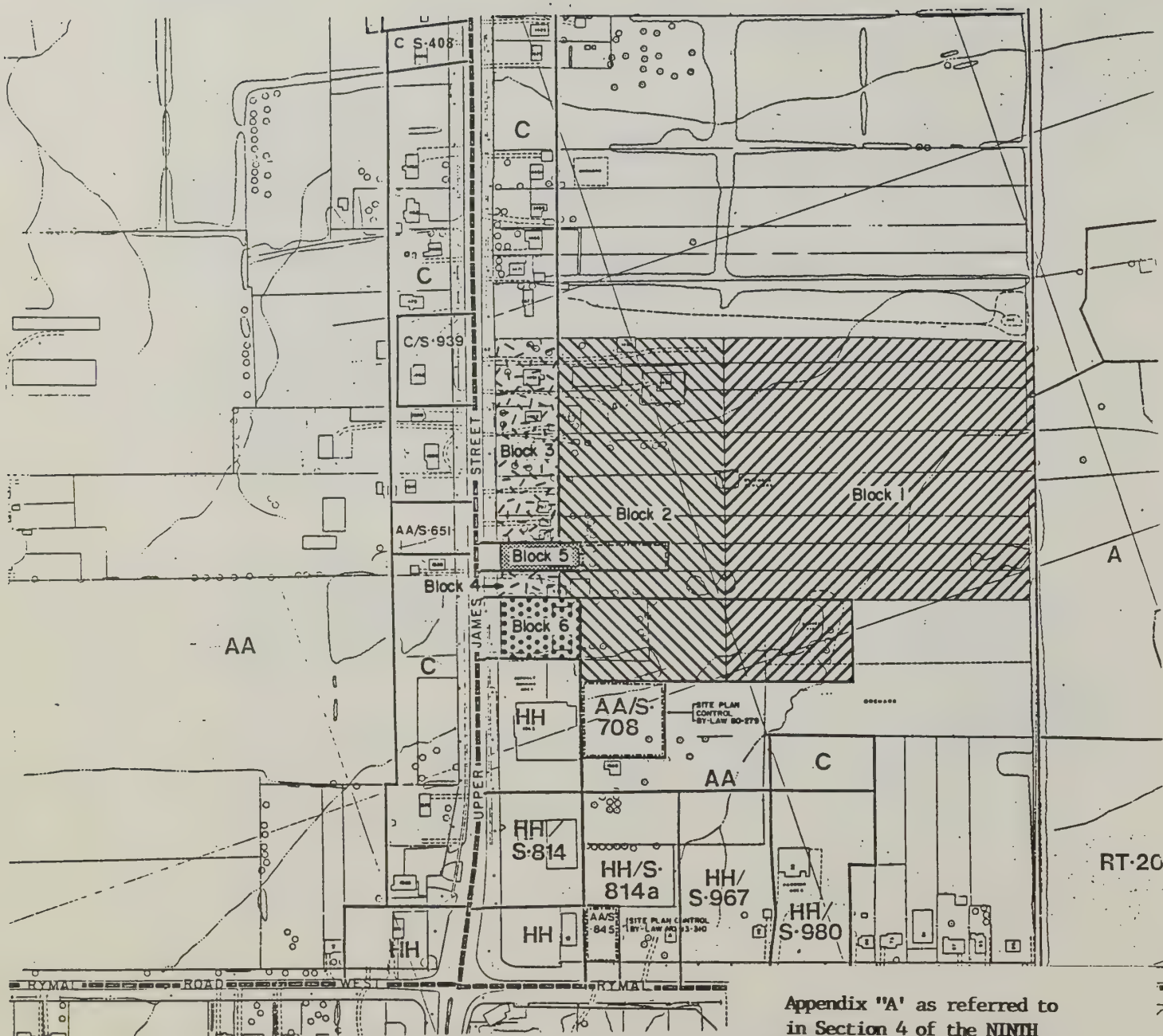
17. That leave be granted to introduce the following Bills:

- (a) Bill D-46 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 81 Myrtle Avenue.
- (b) Bill D-47 A By-law to designate land located at Municipal No. 33 Undermount Avenue as property of Historic and Architectural Value and Interest.
- (c) Bill D-48 A By-law to adopt Official Plan Amendment No. 89 respecting land located at Municipal No. 286 Sanford Avenue North, within the Gibson Neighbourhood.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE



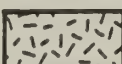


Susan K. Reeder  
Secretary  
1990 April 18th



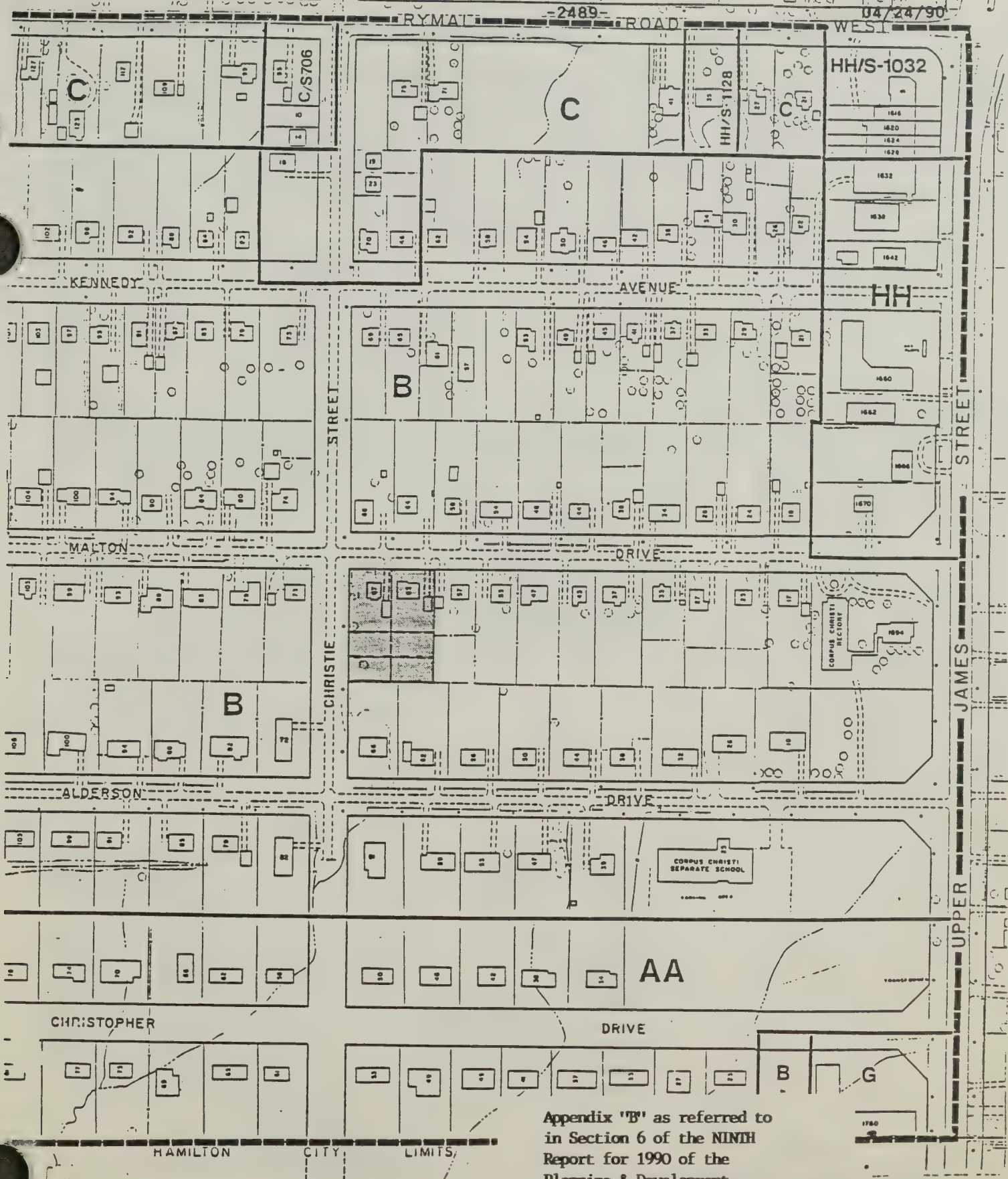
Appendix "A" as referred to  
in Section 4 of the NINTH  
Report for 1990 of the  
Planning & Development  
Committee.

## LEGEND

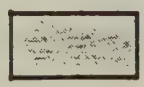
Lands for which the following changes in zoning are proposed:

- |              |   |  |
|--------------|---|--|
| Block 1      |  | From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.   |
| Block 2      |  | From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.                                 |
| Blocks 3 & 4 |  | From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.             |
| Block 5      |  | From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.       |
| Block 6      |  | From "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified. |





**LEGEND**



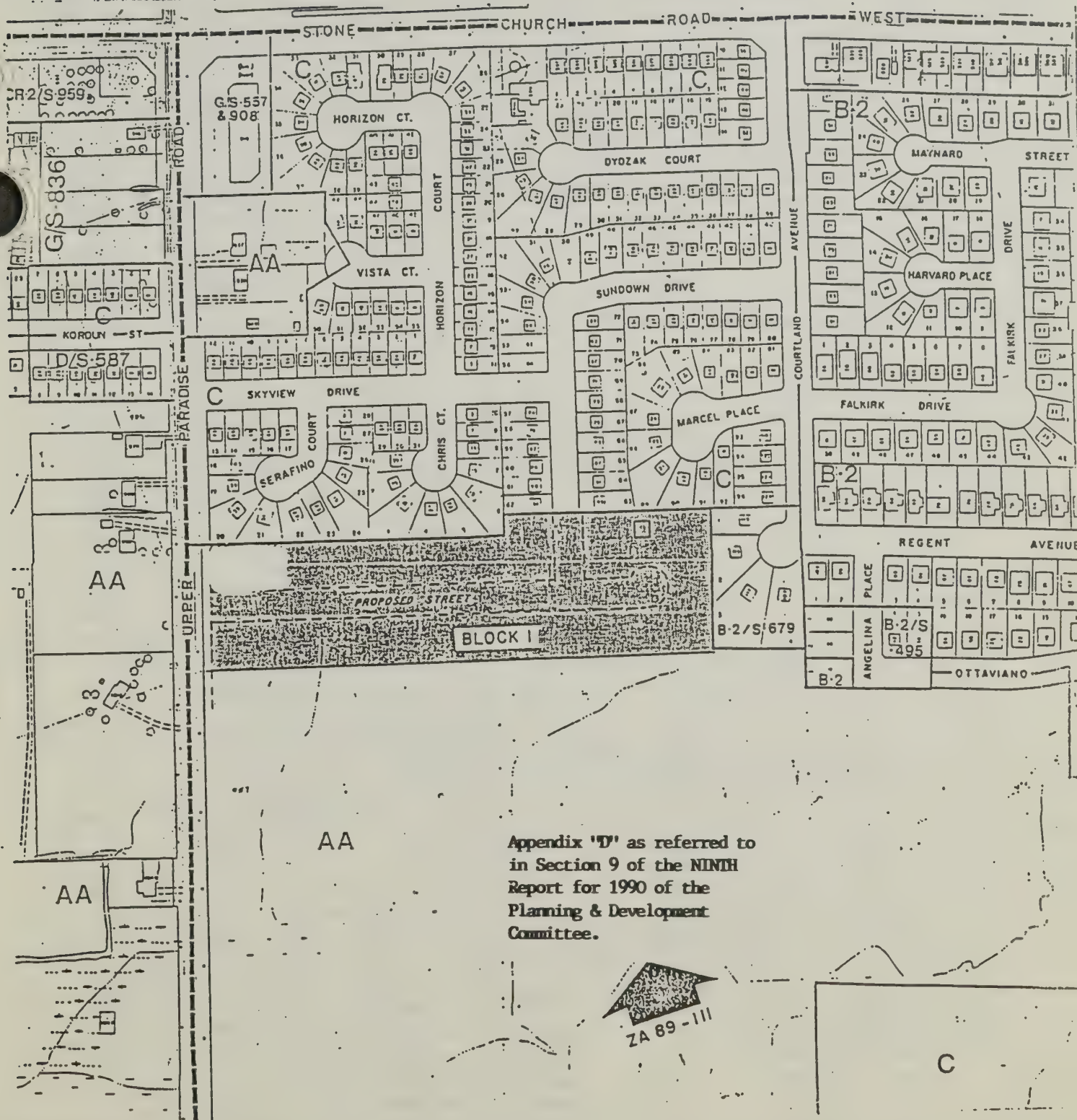
SITE OF THE APPLICATION

Appendix "B" as referred to  
in Section 6 of the NINTH  
Report for 1990 of the  
Planning & Development  
Committee.



APPENDIX A





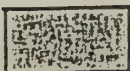
Appendix 'D' as referred to  
in Section 9 of the NINTH  
Report for 1990 of the  
Planning & Development  
Committee.

D-16

# LEGEND

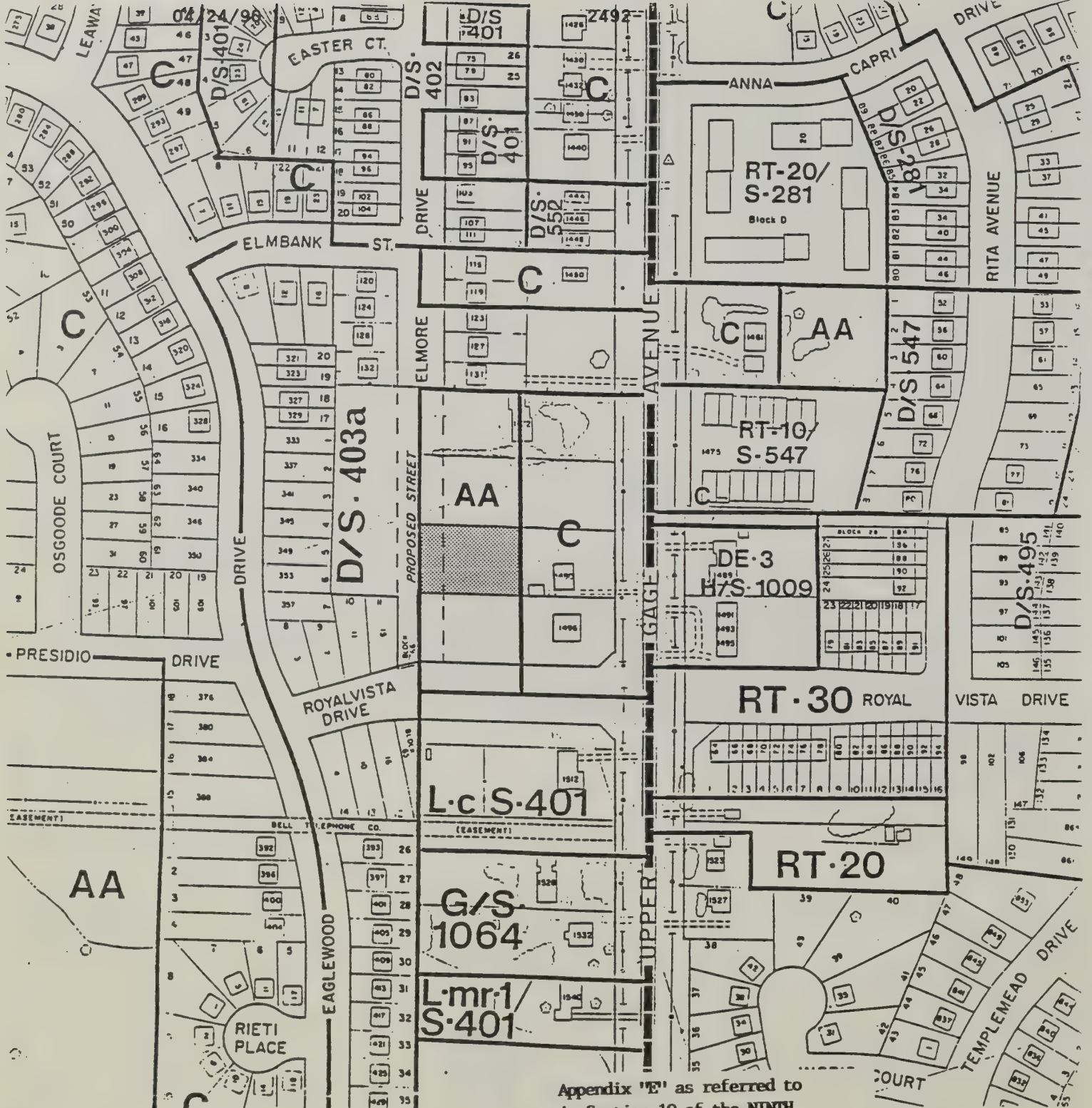
PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

BLOCK I



"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

APPENDIX

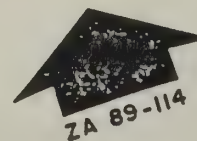


Appendix "E" as referred to  
in Section 10 of the NINTH  
Report for 1990 of the  
Planning & Development  
Committee.

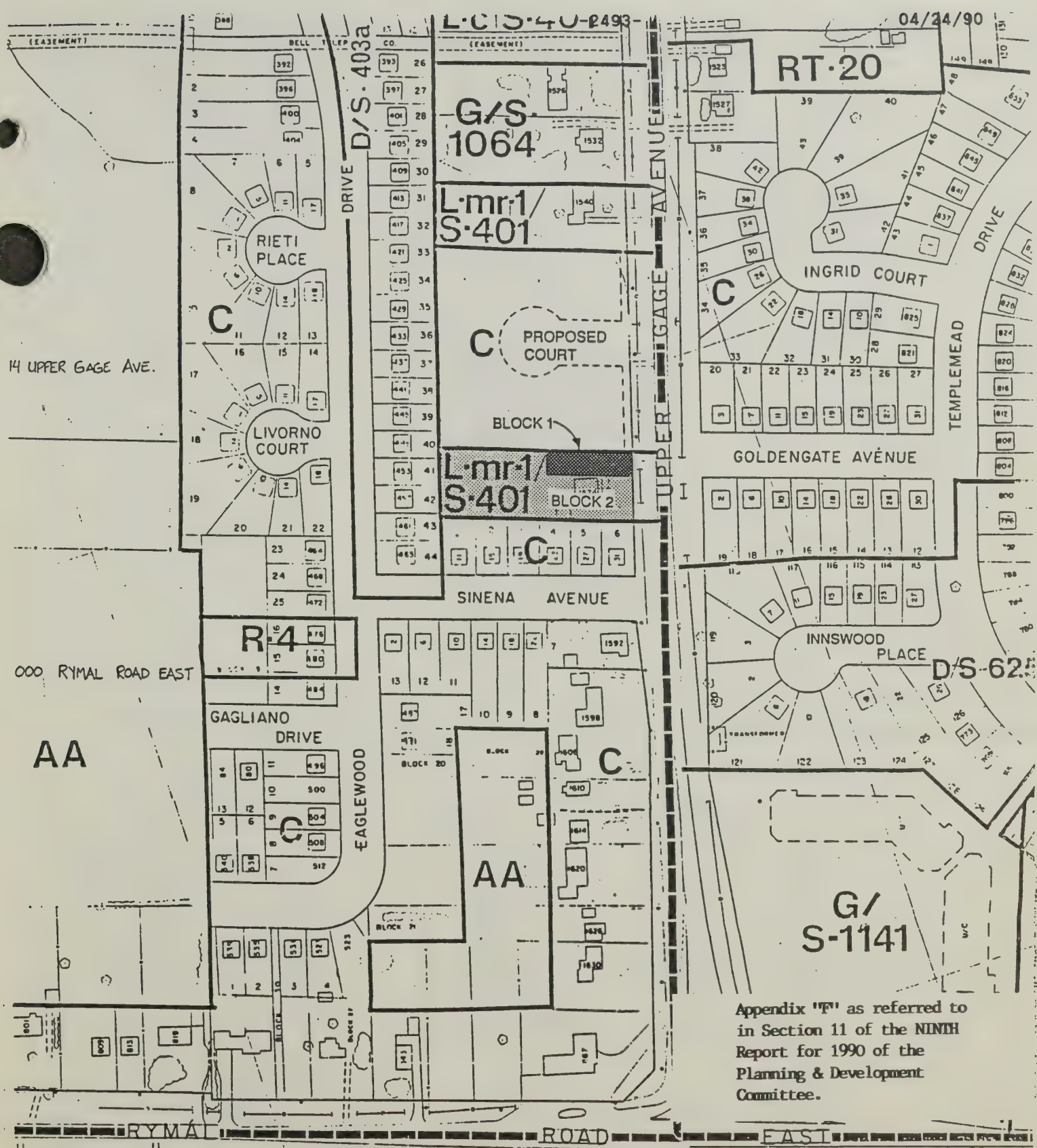
# LEGEND



SITE OF THE APPLICATION



APPENDIX A



### Legend

Proposed change in zoning from:

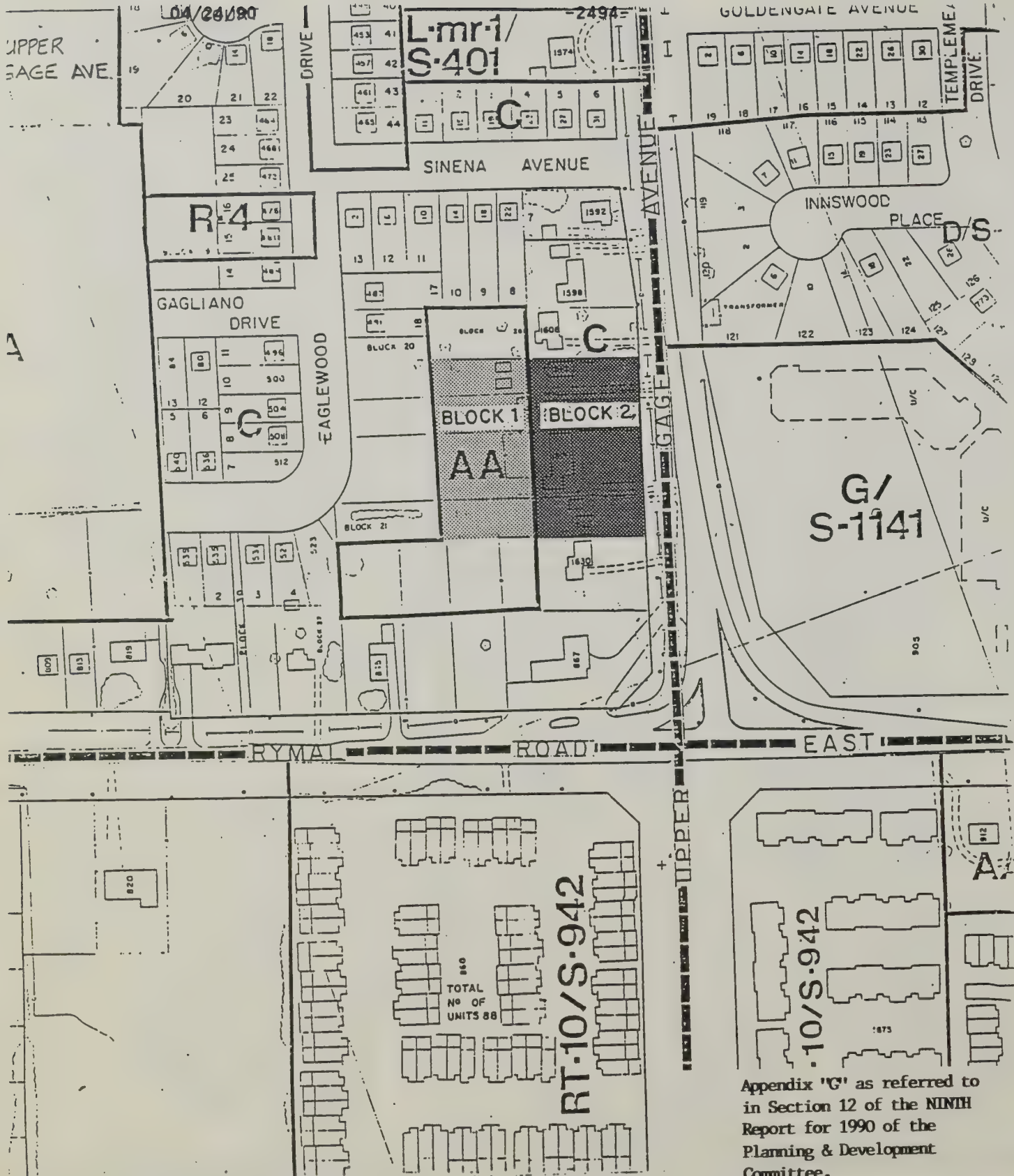


\*L-mr-1\* (Planned Development - Multiple Residential) District, modified to  
 \*C\* (Urban Protected Residential, etc.) District.



\*L-mr-1\* (Planned Development - Multiple Residential) District, modified to  
 \*D\* (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.





# Legend

Proposed change in zoning from:



BLOCK 1

"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

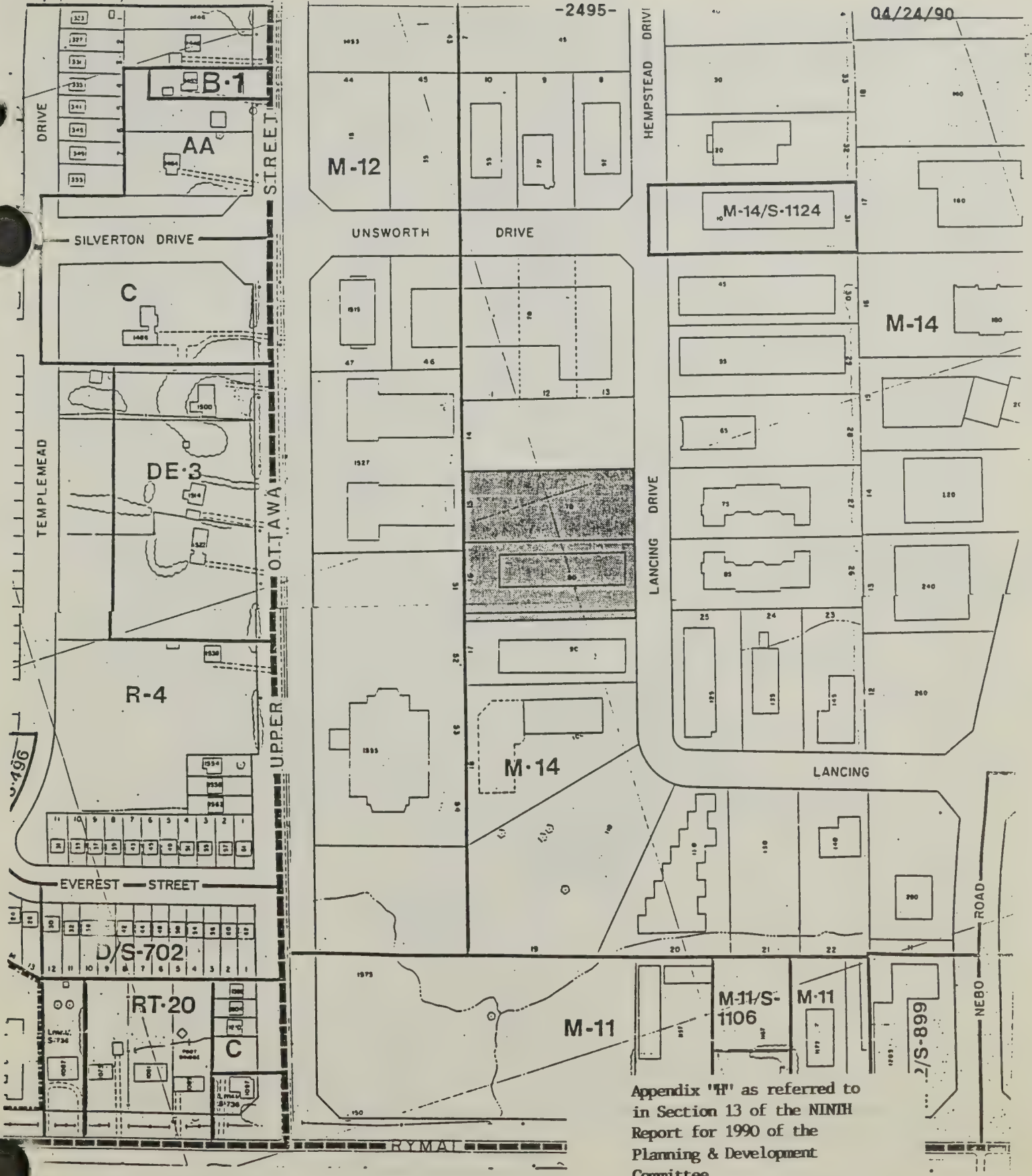


BLOCK 2

"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District.

Appendix "G" as referred to in Section 12 of the NINTH Report for 1990 of the Planning & Development Committee.





# **LEGEND**

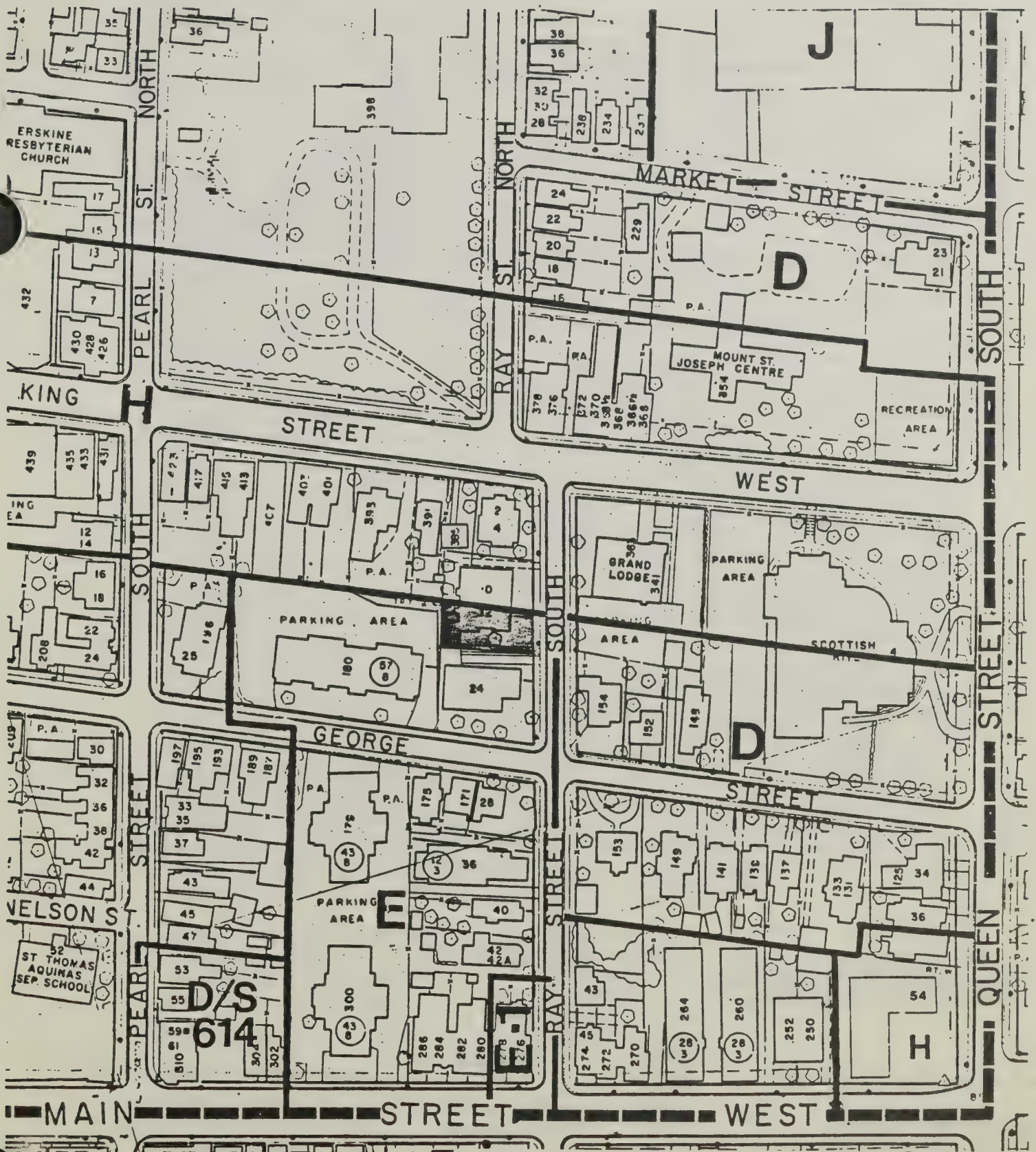


**SITE OF THE APPLICATION**



Appendix "H" as referred to in Section 13 of the NINTH Report for 1990 of the Planning & Development Committee.





LEGEND

 SITE OF APPLICATION

Appendix "J" as referred to  
in Section 15 of the NINTH  
Report for 1990 of the  
Planning & Development  
Committee.



APPENDIX A



**EXISTING POPULATION (1988) 3609**

**RESIDENTIAL**

- |   |                       |
|---|-----------------------|
|  | COMMERCIAL            |
|  | INDUSTRIAL            |
|  | CIVIC & INSTITUTIONAL |
|  | PARK & RECREATIONAL   |
|  | OPEN SPACE            |
|  | UTILITIES             |

50

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **SECOND** Report for 1990 and respectfully recommends:

1. That Mr. Donald Horrocks be granted permission to lease private taxi cab owners licence number 244.

**NOTE:** For the information of members of City Council, this matter arose under the unique circumstances surrounding the issuance of Mr. Horrocks' taxi cab owners licence.

Mr. Horrocks commenced litigation against the Corporation of the City of Hamilton and the Licensing Committee, over the refusal by the Licensing Committee to issue a licence in 1979. To settle the litigation the City authorized issuance of a licence in 1981, subject to Minutes of Settlement prohibiting among other things, leasing and transfer of the licence for fifteen years (to 1996). The Minutes of Settlement were confirmed in a court order, which Mr. Horrocks now hopes to amend because of the hardship imposed.

The Licensing Committee has consented to allow leasing of Mr. Horrocks' plate, which was prohibited for all licenses at the time of the Order, but which has since been allowed by By-law number 89-249. As the other party to the original action, the Corporation of the City of Hamilton may decide whether or not to allow leasing of the licence. (Further information may be obtained from the Secretary.)

2. That the Cab Driver Licence of Robert Lyon, 18 Allandale Street, Hamilton be suspended for a minimum of 6 months for medical reasons, subsequent reinstatement only on production of documentation from two separate doctors confirming the Mr. Lyon is fit to drive a Taxicab.

**NOTE:** For the information of Members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 April 4 held a Show Cause Hearing and recommended that the foregoing Cab Driver Licence be suspended for medical reasons. (Further information may be obtained from the Secretary.)

3. That the Taxi Cab Owner's Licence Application of Walter Bochenek, #2 - 23 Sanford Avenue South, Hamilton be denied.

**NOTE:** For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 April 4 recommended that the foregoing Licence Application be denied on the grounds that Mr. Bochenek did not qualify with the requirement of By-law No. 89-249 as amended in that he was not engaged in the Taxi Industry for the two years immediately prior to his application. (Further information may be obtained from the Secretary.)

4. That the Taxi Cab Owner's Licence Application by Edward J. Pittman, be denied.

**NOTE:** For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 April 4 recommended that the foregoing Licence Application be denied on the grounds that Mr. Pittman died prior to the Committee considering the application.

RESPECTFULLY SUBMITTED

ALDERMAN D. CHRISTOPHERSON  
CHAIRMAN  
LICENSING COMMITTEE

Stella Glover  
Secretary

1990 April 4

## REPORT OF THE INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Information Systems Committee presents its SECOND Report for 1990 and respectfully recommends:

1. That the Agreement attached herewith and marked Appendix "A" with CBAnet be approved and executed by the appropriate officials for the City of Hamilton.
2. That Microcomputer Workstations and Printers be acquired in accordance with the following:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
Toshiba 3100E Laptop Computer	MicroAge, Hamilton	\$ 4 048.	Lowest Acceptable of 27 Proposals
Toshiba 1600E Laptop Computer	MicroAge, Hamilton	\$ 4 712.	Lowest Acceptable of 26 Proposals
Laserjet 111 Printer	MicroAge, Hamilton	\$ 2 207.	Lowest Acceptable of 23 Proposals
Laserjet 11D Printer	MicroAge, Hamilton	\$ 3 299.	Lowest Acceptable of 23 Proposals
Laserjet 11P Printer	MicroAge, Hamilton	\$ 1 337.	Lowest Acceptable of 24 Proposals
Toshiba 24 Pin Matrix Printer	MicroAge, Hamilton	\$ 1 448	Lowest Acceptable of 25 Proposals

3. (a) That Scott Leasing of Mississauga provide leasing services for Microcomputers Workstations and Printers in accordance with their Leasing Proposal dated 1990 March 30 (lowest of 14 proposals received).

Scott Leasing      \$30.50/\$1 000./month for 36 months

- (b) That decisions to lease or purchase be made in each case, in consultation with the respective Corporation's Commissioner of Finance/Treasurer.

- (c) That the Leasing Agreement be in a form satisfactory to the City of Hamilton Solicitor (the City of Hamilton is the lessee).

4. That replacement Microfilming be acquired in accordance with the following:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
Rotary Camera	Kodak	\$ 28 590.	Lowest Acceptable of 3 Proposals
Planetary Camera	Bell & Howell	\$ 18 775.	Only Acceptable of 2 Proposals
Reader/Filler	Bell & Howell	\$ 4 185.	Lowest of 3 Proposals
Microfilm Processor (developer)	Kodak	\$ 24 570.	Lowest Acceptable of 4 Proposals

NOTE: Bell & Howell of Weston, Ontario  
Kodak of Toronto, Ontario

5. (a) That National Bank Leasing of Toronto provide leasing services for replacement microfilming equipment in accordance with their Leasing Proposal dated 1990 February 28 (lowest of 4 proposals received).

National Bank Leasing      \$22.74/\$1 000./month for 60 months

- (b) That the Leasing Agreement be in a form satisfactory to the City of Hamilton Solicitor (the City of Hamilton is the lessee).

6. That Corporate standard spreadsheet software be acquired in accordance with the following unit prices:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
Lotus 1-2-3 version 2.1	Businessworld	\$ 368.	Lowest of 6 Proposals
Lotus 1-2-3 version 2.2	Businessworld	\$ 388.	Lowest of 7 Proposals

NOTE: Businessworld of Toronto, Ontario.

Respectfully Submitted,

ALDERMAN J. GALLAGHER, CHAIRMAN  
INFORMATION SYSTEMS COMMITTEE

C. J. Coutts, Acting Secretary  
1990 April 19

mjw

Appendix "A" as referred to  
in Section 1 of the SECOND  
Report of the Information  
Systems Committee

**CBANET™**  
END-USER GENERAL AGREEMENT

CANADIAN BAR ASSOCIATION  
1700-130 ALBERT STREET  
OTTAWA, ONTARIO K1P 5G4

TELECOM CANADA  
ROOM 1940, 160 ELGIN STREET  
OTTAWA, ONTARIO K1G 3J4

CUSTOMER IDENTIFICATION  
CUSTOMER NAME: CITY OF HAMILTON  
STREET ADDRESS: FLR 5-71 MAIN ST W  
CITY: HAMILTON  
PROVINCE: ONTARIO  
POSTAL CODE: L8N 3T4  
TELEPHONE NUMBER: 416-546-3931

CUSTOMER AGREEMENT AND AUTHORIZATION  
I HAVE READ AND AGREE TO ALL THE TERMS  
AND CONDITIONS STATED IN THIS AGREEMENT.

SIGNATURE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

TELECOM CANADA ACCEPTANCE

(for access to iNET 2000 and as agent for ISP's on  
iNET  
ACCEPTED BY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
MEMBER COMPANY: \_\_\_\_\_

CANADIAN BAR ASSOCIATION

ACCEPTED BY TELECOM CANADA ON BEHALF  
OF THE CANADIAN BAR ASSOCIATION AND ON  
BEHALF OF ISP'S ON CBANET

SIGNATURE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
MEMBER COMPANY: \_\_\_\_\_

TERMS AND CONDITIONS

WHEREAS

1. The Canadian Bar Association has established a service for its members which service is known as CBANET; and
2. CBANET is a service offered in both the English and French language which service shall consist of *inter alia* electronic messaging, network conferencing and information database; and
3. Telecom Canada has been licensed by the Canadian Bar Association to provide access to CBANET using its iNET 2000 technology; and
4. The Canadian Bar Association has appointed Telecom Canada to act as its agent for the sole purpose of accepting this Agreement or for terminating this Agreement in accordance with section 5.3 hereof on behalf of the Canadian Bar Association; and
5. Upon execution of this Agreement by the End User and upon acceptance of this Agreement by Telecom Canada and the Canadian Bar Association the End User shall become a subscriber to both the CBANET service and the iNET service.

1 DEFINITIONS

- 1.1 This "End User General Agreement" and "this Agreement" shall mean this entire order form between End User and Telecom Canada and between End User and the Canadian Bar Association. "Supplementary Conditions" mean the special conditions to which an End User must agree, in addition to the terms of this Agreement, in order to be accredited to the Services of a specific ISP where such are required by the ISP.
- 1.2 Telecom Canada is collectively comprised of:  
Alberta Government Telephones, Bell Canada, British Columbia Telephone Company, The Island Telephone Company, Limited, The Manitoba Telephone System, Maritime Telegraph and Telephone Company, Limited, The New Brunswick Telephone Company, Limited, Newfoundland Telephone Company, Limited, Saskatchewan Telecommunications, Telesat Canada.
- 1.3 "Information and Service Provider" and "ISP" mean the providers of Services whose Services are offered through CBANET and/or iNet and whose name shall appear on-line and shall include the Canadian Bar Association when it acts as a provider of Services. "Services" means services and goods of any kind offered through CBANET and/or iNet and include computerized information or other computerized services.
- 1.4 "End User" means a user of the CBANET Service and the iNet Service and a customer of the ISP.
- 1.5 "User ID" and "Password" shall mean those certain identification codes that identify an End User to Telecom Canada, the Canadian Bar Association and the ISPs for billing and other administrative purposes and that allows End User access to computerized services.
- 1.6 "Accreditation" means the process whereby an End User shall be authorized to access CBANET and/or iNet and the Services of the ISP and without limiting the generality of the above, shall include the assignment of a User ID and Password to such End User.
- 1.7 "Account Receivable" means an account which is owed to an ISP by the End User as a result of Services provided to the End User in accordance with the terms of this Agreement, the price for such Services shall appear in the online directories.

2 ACCESS TO ISP SERVICES

- 2.1 Telecom Canada shall provide the End User with a User ID and a Password (confidential) so as to allow the End User to access the Canadian Bar Association CBANET Service and the Telecom Canada iNet Service. Telecom Canada shall accredit the End User to CBANET and to the Services of all ISPs who have authorized Telecom Canada to accredit the End User unless otherwise instructed by the End User. The End User is responsible for all charges incurred against the End User's User ID and Password and accordingly, the End User agrees to maintain the confidentiality and security of the assigned Password. In the event of loss or theft the Customer shall notify Telecom Canada immediately to change the Password.
- 2.2 The End User acknowledges that certain of the ISPs will require the acceptance by the End User of Supplementary Conditions. Such Supplementary Conditions which appear online on CBANET and/or iNet and shall form part of this Agreement. First access by the End User to the Services of an ISP shall bind the End User to such Supplementary Conditions.  
In the event of conflict between the terms of said Supplementary Conditions and this Agreement, the provisions of the Supplementary Conditions shall prevail except where such conditions affect the terms of payment or rate of interest of the Accounts Receivable which are assigned to Telecom Canada, in which case the provisions of this Agreement shall prevail.
- 2.3 Where the End User agrees to the provisions of Supplementary Conditions, to modifications to this Agreement or to the Supplementary Conditions, to the application of this Agreement in regard to new ISPs, or to the renewal of this Agreement, by the means of a system message through CBANET and/or iNet, such acceptance by him of such Supplementary Conditions, such modifications, such application or such renewal shall be deemed to be a memorandum in writing and signed by the End User under section 4 of the Statute of Frauds (R.S.O. 1980, c.481) and under other similar applicable legislation and such presumption shall not be rebuttable.
- 2.4 Telecom Canada, or the Canadian Bar Association, or any ISP, or Telecom Canada acting as agent for an ISP, shall be entitled to make modifications to this Agreement and to the Supplementary Conditions by means of a thirty (30) days notice to the End User. The End User's continued use of the Canadian Bar Association's CBANET, Telecom Canada's iNet 2000 Service (iNet), and the Services of the ISPs subsequent to such notice of modification shall be deemed to be End User's concurrence with, and agreement to such modification(s).

### 3. RATES AND METHODS OF PAYMENT

- 3.1 The End User acknowledges that the terms and conditions referred to herein are in addition to those of any and all applicable tariff provisions with respect to the iNet Service and the CBANET service which continue to apply. It is acknowledged that various members of Telecom Canada may require Regulatory approval of rates and charges associated with the provision of service and such service is accordingly conditional upon appropriate regulatory approval, where applicable. The iNet tariff is available for inspection during business hours at the local Public Offices of Telecom Canada member companies.
- 3.2 The End User shall pay the charges for the ISP's Services and interest thereon according to the service rates of the respective ISP's which service rates shall be set out in the online directory, at the time of End User's access to the respective ISP's. The End User agrees that he shall be deemed to have received actual notice of the service rates of ISP's which he accesses, prior to such access and such presumption shall not be rebuttable.
- 3.3 All invoices for the services of the ISP's shall be due and payable when they are issued to the End User. The End User further agrees that any invoice or statement representing any transaction for Services and those for the CBANET Service and/or the iNet Service shall be deemed to be correct and binding upon the End User unless objection in writing is received by the Canadian Bar Association, the ISP or Telecom Canada, as applicable, within 30 days from the date of invoice or statement.
- 3.4 The End User is hereby informed that certain ISP's will opt to assign their Accounts Receivable to Telecom Canada and that any Telecom Canada invoice to the End User bearing information in regard to the services of an ISP shall be sufficient to constitute valid notification to the End User of the assignment of said Accounts Receivable to Telecom Canada. With respect to said Accounts Receivable that are assigned to Telecom Canada the End User agrees to pay the amount thereof and interest thereon to Telecom Canada and not to assert against Telecom Canada as assignee of the Accounts Receivable, any claim or defence that may arise between said End User and the ISP's.
- 3.5 Delinquent accounts are subject to interest on the unpaid portion of all amounts payable respectively to the ISP's and Telecom Canada under the terms of this Agreement with the exception of those amounts in respect of which a Late Payment Charge or similar charge is applicable on overdue accounts under the terms of any applicable tariffs, the terms of which shall continue to apply to such latter amounts. The annual rate of interest which shall apply shall be equal to the Late Payment Charge or similar charge as defined in any applicable tariffs of the Telecom Canada member company executing this Agreement.
- One month's interest will be calculated on each statement date on any unpaid portion of the respective charges of the ISP's and Telecom Canada, billed on the previous month's statement and interest will accrue daily thereafter, until the date the payment is received by the ISP's or the relevant member company of Telecom Canada, as applicable.
- 3.6 All claims including any rights of offset by any End User and all disputes concerning any invoice or statement for ISP Services through CBANET and/or iNet shall be settled directly between the End User and the ISP's. Notwithstanding the above and the obligation of the End User to make timely payment to Telecom Canada, the End User agrees that notification as to such dispute with respect to invoices and statements concerning the Accounts Receivable which are assigned to Telecom Canada shall first be given by the End User to Telecom Canada.
- 3.7 Any partial payments received by Telecom Canada shall be applied, in the following order of priority to: a) the tariff charges and the applicable Late Payment Charge; (b) all other charges including the amounts related to the Accounts Receivables assigned to Telecom Canada by the ISP's and interest thereon.
- 3.8 In the event of breach of any obligations hereunder by the End User, the termination of this Agreement, or if the CBANET and/or the iNet Service is cancelled by the End User, or the Canadian Bar Association either suspends or cancels CBANET or iNet, is either suspended or terminated by Telecom Canada or a particular ISP's Services are terminated, as outlined in Article 6, the entire balance of all amounts payable under the terms of this Agreement or any Supplementary Conditions plus any accrued interest thereon shall become immediately due and payable.

### 4. OTHER RESPONSIBILITIES OF THE END USER

- 4.1 The End User agrees that all information and software which is accessible by the End User through CBANET and/or iNet is and shall remain the sole and exclusive property of the ISP's respectively; the End User will not by virtue of this Agreement acquire any proprietary interest in the said information or software; the End User warrants that he shall not publish, broadcast, retransmit or otherwise produce for commercial gain said information or software in any form; the End User warrants that the said information and software are and shall be for the End User's personal use only; the End User acknowledges that any violation of these restrictions is an infringement of copyright or proprietary rights in the information and software.
- 4.2 The End User hereby agrees to indemnify and hold the Canadian Bar Association, Telecom Canada and the ISP's harmless from the violation by him or any user of his User ID, of any third party rights, including copyright infringement, privacy or proprietary rights. This indemnification obligation shall survive the expiration or termination of this Agreement.
- 4.3 The End User shall not use the CBANET service or the iNet Service in any unlawful manner and in particular, without limiting the generality of the above, a) accept as otherwise permitted in this Agreement he shall not access the services of an ISP to which he has not been accredited, and b) he shall not transmit or publish, in whole or in part, any information where such activity, in whole or in part, constitutes a criminal offence or would otherwise be unlawful in Canada or would be actionable to the suit of any person, firm or corporation or any other legal entity.

### 5. LIMITATION OF LIABILITY

- 5.1 Telecom Canada does not guarantee uninterrupted working of its iNet Service and/or equipment. The End User agrees that Telecom Canada shall not be liable for any direct, indirect, incidental or consequential damages as a result of use by him of the iNet Service or which may arise from this Agreement or from the performance or non-performance of the obligations of Telecom Canada hereunder including, without limiting the generality of the above, damages resulting from mistakes, omissions, interruptions, delays, errors or defects of its iNet Service or in the transmission of material nor shall it be liable for damages arising from errors or omissions in its directory listings or for damages resulting from deletions of files.
- 5.2 The ISP's including the Canadian Bar Association when it is acting as an information and Service Provider do not guarantee uninterrupted working of their Services or equipment. The End User agrees that the ISP's shall not be liable for any direct, indirect, incidental or consequential damages as a result of use by him of the ISP's Services or which may arise from this Agreement or the Supplementary Conditions or from the performance or non-performance of the obligations of the ISP's thereunder including, without limiting the generality of the above, damages caused by the mistakes, omissions, interruptions, delays, errors or defects of their Services, in the operation or transmission thereof nor shall they be liable for damages arising from errors or omissions in their directory listings or for damages resulting from deletions of files.
- 5.3 The Canadian Bar Association does not guarantee uninterrupted working of the CBANET service and/or any of the Canadian Bar Association's equipment. The End User agrees that the Canadian Bar Association shall not be liable for any direct, indirect, incidental or consequential damages as a result of use by him of CBANET Service or which may arise from this Agreement or the Supplementary Conditions or from the performance or non-performance of the obligations of the Canadian Bar Association thereunder including, without limiting the generality of the above, damages resulting from mistakes, omissions, interruptions, delays, errors or defects of the CBANET Service or the Canadian Bar Association's Services, or in the transmission of material, nor shall it be liable for damages arising from errors or omissions in directory listings or for damages resulting from deletions of files.
- 5.4 The End User expressly acknowledges and agrees that the use of CBANET or any of the Services of the ISP's and the use of any information contained in the databases of the ISP's, are at the End User's risk, and that neither the Canadian Bar Association nor the ISP's offer any warranties as to the merchantability or fitness for a particular purpose of CBANET or for the ISP's respective Services, or any information, programs, products or goods.
- 5.5 The End User agrees to indemnify and hold the Canadian Bar Association harmless from all costs, losses or damages of any kind whatsoever, however caused, arising as a result of the use by End User of CBANET or any Services offered through CBANET or use of CBANET or any Services offered through CBANET by anyone authorized by End User or the use of CBANET or any Services offered through CBANET by anyone who obtains access to CBANET as a result of any action or failure to act by End User. This obligation to hold harmless and indemnify shall survive termination of this Agreement.

### 6. MISCELLANEOUS

- 6.1 This Agreement shall be effective from the date of acceptance by the Canadian Bar Association and an authorized representative of Telecom Canada and it shall continue on a month-to-month term unless and until cancelled by any one of the Canadian Bar Association, Telecom Canada or End User, for any reason, upon prior written notice to the other parties.
- 6.2 Any ISP or Telecom Canada acting as agent for an ISP shall have the right to terminate this Agreement as between the particular ISP involved and the End User, without notice and in the sole discretion of the ISP terminating the Agreement.
- 6.3 The Canadian Bar Association or Telecom Canada acting as agent for the Canadian Bar Association shall have the right to terminate this Agreement as between the Canadian Bar Association and the End User in respect of the right to access and use CBANET without notice and in the sole discretion of the Canadian Bar Association.
- 6.4 Any notice or other communication hereunder shall be in written form and shall be directed to the addresses shown on the front side of this Agreement unless written notice of change of one party's address is given to the other party.
- 6.5 This Agreement together with all matters incorporated by reference constitutes the entire agreement between the parties with regard to matters dealt with under this Agreement and there are no other conditions or warranties, express or implied, applicable to the subject matter hereof, in the event that any provision of this Agreement is held to be invalid by a final unappealed decision of a Court of competent jurisdiction, it shall be severed herefrom and shall not affect the enforceability of the remaining provisions.
- 6.6 The terms of this Agreement shall be governed by the use of the Province set out in the Customer Identification section of this Agreement. In the absence of any indication to that effect on this Agreement the law of the Province of Ontario shall apply.
- 6.7 This Agreement does not preclude or prevent any subsequent Agreement between the End User and the ISP's for services provided by the ISP's outside of CBANET and/or iNet.
- 6.8 None of the parties shall assign or transfer this Agreement or any rights or privileges under this Agreement, in whole or in part without the written prior approval of the other. Notwithstanding the foregoing, the Canadian Bar Association shall have the right to assign this Agreement, without the consent of the other parties, to a corporation incorporated by or on behalf of the Canadian Bar Association for the sole purpose of taking over the Canadian Bar Association's rights and obligations under this Agreement and the Canadian Bar Association shall be relieved from all obligations, claims and liabilities under this Agreement as of the date of such assignment. This agreement shall be binding upon the respective successors and permitted assigns of the parties hereto.
- 6.9 This Agreement has been prepared and drawn up in the English language at the express wish of the parties. Le présent accord est rédigé en anglais et la demande expresse des parties.



MEETING OF HAMILTON CITY COUNCIL  
THURSDAY, MAY 3, 1990  
7:30 O'CLOCK, P.M.

Special meeting of City Council called at the direction of His Worship Mayor Robert M. Morrow.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Smith, Jackson, Gallagher, Murray.

ABSENT: Alderman Drury (City Business)  
Alderman Lombardo (Medical Reasons)  
Alderman Merling (Regional Business)  
Alderman Ross (Regional Business)

The Clerk read the notice calling the meeting.

\* \* \* \* \*

Alderman Smith declared a conflict of interest, took no part in the debate and refrained from voting on all resolutions and by-laws before City Council at this meeting dealing with the setting of mill rates and collection of taxes for the Board of Education for the City of Hamilton inasmuch as he is a casual employee of the Board of Education.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Report, with Alderman Gallagher in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Smith, Jackson, Gallagher, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - FOURTEENTH REPORT.

Recorded vote on the challenge "that the ruling of the Chair be sustained. (Re: The ruling of Chairman Gallagher that Section 1 is illegal and should not be dealt with by City Council.)

YEAS: Mayor Morrow; Alderman Gallagher. - 2.

NAYS: Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Jackson, Murray. - 10. LOST.

\* \* \* \* \*

Recorded vote on Section 1. (Re: That the 1990 Mill Rates for the Boards of Education not be included for billing purposes in the collection of taxes.)

YEAS: Aldermen Copps, Agostino. - 2.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Christopherson, Jackson, Gallagher, Murray. - 10. LOST.

\* \* \* \* \*

Recorded vote on Section 2. (Re: Establishment of a Special Sub-Committee to Review and Examine the Impact and Mechanism of Sending Out Separate Boards of Education Tax Bills in 1991.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Jackson, Gallagher, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council to consider a resolution to approve the 1990 Mill Rates for the City, Region, and Boards of Education, and the Tax Levy By-laws. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: (a) That the 1990 mill rates for the City of Hamilton be approved, and the mill rates for the Region and Boards of Education be received to be included for billing purposes in accordance with Exhibit "A", Column (10) attached hereto.

(b) That leave be granted to introduce the following Bills:

A-17 - A By-law to Fix the Total Rates of Taxation for Municipal, Regional and School Purposes for the Year 1990.

A-18 - A By-law to Fix the Rates of Taxation for Municipal Purposes for the Year 1990.

A-19 - A By-law to Fix the Rates of Taxation for Regional Purposes for the Year 1990.

A-20 - A By-law to Fix the Rates of Taxation for School Purposes for the Year 1990.

A-21 - A By-law to Levy an Annual Tax on Telephone Companies Doing Business in Ontario Respecting The Bell Telephone Company of Canada. - CARRIED.

COMPARISON OF COMPONENTS AND TOTAL MILL RATES  
FOR THE YEARS 1982 TO 1990 INCLUSIVE

M i l l R a t e s												Increase + Decrease - 1989 to 1990 % (12)	
Description (1)	1982 (2)	1983 (3)	1984 (4)	1985 (5)	1986 (6)	1987 (7)	1988 (8)	1989 (9)	1990 (10)	Mill (11)			
Residential													
City	62.7923	62.7923	69.7323	73.4019	79.3485	83.9779	87.7568	92.2114(1)	96.7685	4.8671+	4.9+		
Region	54.7552	56.6640	56.8038	59.6126	63.5186	69.3371	73.3187	82.9278(11)	92.1727	9.2449+	11.1+		
Sub Total	117.5475	119.4563	126.5361	133.0145	142.8671	153.3150	161.0755	175.1392	188.9412	18.8020+	7.8+		
Education - Elementary	50.0013	57.0683	58.2131	65.4968	68.4729	73.9790	80.9599	86.5187	104.4186	17.9001+	20.7+		
- Secondary	37.9186	41.0524	44.2715	45.1813	43.2464	54.3860	57.1976	62.4176	71.4700	9.0525+	14.5+		
Sub Total	87.9199	98.1207	102.4846	110.6781	111.7193	128.3670	138.1575	148.9362	175.8886+	26.9526+	19.1+		
Total Mill Rates	205.4674	217.5770	229.0207	243.6926	254.5864	281.6820	299.2330	324.0754	364.8300	40.7666+	12.6+		
Non-Residential													
City	73.8733	73.8733	82.0379	86.3552	93.3512	98.7975	103.2433	108.4840	113.8453	5.3613+	4.9+		
Region	64.4179	66.6636	66.8280	70.1325	74.7278	81.5731	86.2574	97.5621	106.4385	10.8764+	11.1+		
Sub Total	138.2912	140.5369	148.8659	156.4877	168.0790	180.3706	189.5007	206.0461	222.2836	16.2377+	7.9+		
Education - Elementary	58.8251	67.1392	68.4860	77.0551	80.5584	87.0341	95.2469	101.7867	122.8456	21.0589+	20.7+		
- Secondary	44.6101	48.2969	52.0841	53.1545	50.8781	63.9659	67.2913	73.4324	84.0823	10.6499+	14.5+		
Sub Total	103.4352	115.4361	120.5701	130.2096	131.4345	151.0200	162.5362	175.2191	206.9279	31.7088+	18.1+		
Total Mill Rates	241.7264	255.9730	269.4360	286.8973	299.5135	331.3906	352.0369	381.2652	429.2117	47.9665+	12.6+		

Notes: The 1990 mill rates were calculated based on the 1989 unreviewed assessment for 1990 taxation.  
(1) The mill rates in 1989 reflect the transfer of 3.3568 residential mills from the City of Hamilton to the Regional Municipality of Hamilton-Wentworth for the subsidized transit fare program within the City of Hamilton totalling \$3,483,570.00 for the year 1989.  
1989 April 20

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Report, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Jackson, Gallagher, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-17, A-18, A-19, A-20, A-21, A-22.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Gallagher, Murray. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Gallagher in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Gallagher, Murray. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Gallagher, Murray. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-17, A-18, A-19, A-20, A-21, A-22.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Gallagher, Murray. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 5.15 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its FOURTEENTH Report for 1990 and respectfully recommends:

- \*1. That the 1990 Mill Rates for the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board not be included for billing purposes in the collection of taxes for 1990.
- \*\*2. Members of City Council are advised that the Finance and Administration Committee at its special meeting held 1990 May 01 approved of the establishment of a special sub-committee to review and examine the impact and mechanism of sending out separate tax bills in 1991 for the Boards of Education.
- 3. That leave be granted to introduce the following Bill:
  - (a) Bill A-22 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 May 1  
/bc

\* Section 1 lost, recorded vote, see page  
\*\* Recorded vote, see page

MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, MAY 8, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross,  
Murray.

ABSENT: Alderman Jackson (Regional Business)  
Alderman Merling (Vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

Reverend Father George Vukelich, St. Nicholas Serbian Church, led the Council  
in prayer.

\* \* \* \* \*

A Certificate of Recognition was presented to Mr. Garrett Prins for his  
achievement in winning the 1989 Irish Junior Open and receiving a Silver Medal  
in the Tennis Doubles Championship at the Canada Games.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read the following Proclamation:

(a) Royal Week - May 14-21, 1990.

\* \* \* \* \*

The minutes of the meeting of April 24, 1990, were taken as read and approved.

\* \* \* \* \*

The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Application dated April 23, 1990, from Sapte Investments Inc., 16 Westaway Place, Hamilton, Ontario, for a modification to the zoning of property located at 54 Hess Street. **Received.**
2. Application dated April 27, 1990, from Simcoe & Erie General Insurance Company, 505 York Boulevard, P.O. Box 2018, Hamilton, Ontario, for a further modification to the zoning of property located at 39 and 41 Devonport Street. **Received.**
3. Resolution dated April 30, 1990, from The Corporation of the City of Brampton, 150 Central Park Drive, Brampton, Ontario, re door-to-door mail delivery. **Referred to Finance and Administration Committee.**
4. Resolution dated May 2, 1990, from the County of Oxford, P.O. Box 397, Woodstock, Ontario, re Employer Health Tax Assessment on retroactive wages for the years prior to January 1, 1990. **Referred to the Finance and Administration Committee.**

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Murray.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting insurance coverage for a fireworks display to be undertaken by the Gilkson Community Council. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Murray.

RESOLVED: that the City of Hamilton assume responsibility for providing an additional \$1,000,000. insurance coverage for the Gilkson Community Council, in addition to the \$1,000,000. already provided, relative to its planned fireworks display. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee to consider the following Reports, with Alderman Gallagher in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - FIFTEENTH REPORT.

It was moved by Alderman McCulloch and seconded by Alderman Agro.

RESOLVED: that Appendix "B", as referred to in Section 18 be amended by deleting the figure "5,000." in column 5 of No. 1 and inserting in lieu thereof the figure "15,000."

YEAS: Mayor Morrow; Aldermen Agro, McCulloch. - 3.

NAYS: Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 12. LOST.

\* \* \* \* \*

Recorded vote on Section 9 of Schedule "B". (Re: McQuesten Community Association Grant.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Ross.

RESOLVED: that Section 19, regarding an interest free loan to Theatre Terra Nova, be amended by:

1. deleting the words "75% of", in Subsection (c) (i), so that the Subsection shall read as follows:

"(i) the first and second mortgages do not exceed the appraised value of the property."

2. adding the following as Subsection (d):

"(d) That this amount be charged to the Reserve for Contingency Account Centre Number CH 00115."

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Ross. - 10.

NAYS: Aldermen McCulloch, Lombardo, Smith, Gallagher, Murray. - 5.  
CARRIED.

\* \* \* \* \*

Recorded vote on Section 19, as amended. (Re: Interest Free Loan to Theatre Terra Nova.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Ross. - 10.

NAYS: Aldermen McCulloch, Lombardo, Smith, Gallagher, Murray. - 5.  
CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Ross.

RESOLVED: that the following be added as Section 21:

"21. That the Regional Municipality of Hamilton-Wentworth be requested to join the City of Hamilton in the preparation and presentation of a similar "mock invoice" to the local Members of the Provincial Legislature; and that due to time constraints the Region be requested to reply to the City's invitation as soon as possible within the next two weeks." -

YEAS: Mayor Morrow; Aldermen Cooke, McCulloch, Hinkley, Drury, Christopherson, Lombardo, Smith, Gallagher, Ross, Murray. - 11.

NAYS: Aldermen Kiss, Agro, Copps, Agostino. - 4. CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Ross.

RESOLVED: that Section 21 be amended by adding the words "the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board", after the word "Wentworth" in the second line, and by adding the words "and School Boards" after the word "Region" in the sixth line. - CARRIED.

\* \* \* \* \*

Recorded vote on Section 21, as amended. (Re: Presentation of a "Mock Invoice" to Local Members of Provincial Parliament.)

YEAS: Mayor Morrow; Aldermen Cooke, McCulloch, Hinkley, Drury, Christopherson, Lombardo, Smith, Gallagher, Ross, Murray. - 11.

NAYS: Aldermen Kiss, Agro, Copps, Agostino. - 4. CARRIED.

\* \* \* \* \*

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - SEVENTH REPORT.

Alderman Hinkley declared personal interest in, took no part in the debate, and refrained from voting on Section 9, regarding a discharge of an Encroachment Agreement at 21 East Avenue South, as he resides on the premises.

\* \* \* \* \*

Recorded Vote on Section 12. (Re: Permission to Hamilton and District Littracy Council to Display a Banner Across Main Street.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 14.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Recorded Vote on Section 13. (Re: Permission to the Memorial Cup Organizing Committee to Display a Promotional Banner Across Main Street.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 14.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Subsection (b) of Section 20 re two hour parking time limit on the south side of Jackson Street West, between Ray Street and Pearl Street, be referred back. - CARRIED.

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE - TENTH REPORT.

\* \* \* \* \*

(D) PLANNING AND DEVELOPMENT COMMITTEE - TENTH REPORT.

Alderman Cooke declared a personal interest in, took no part in the debate, and refrained from voting on Section 9, regarding a change in zoning on property located at the north-east corner of Jackson Street and Ferguson Avenue South. The March of Dimes, of which he is an employee, may be a tenant on these premises.

\* \* \* \* \*

It was moved by Alderman Smith and seconded by Alderman Lombardo.

RESOLVED: that Subsection (b)(vi) of Section 9, regarding a change in zoning on property located at the north-east corner of Jackson Street and Ferguson Avenue South, be amended by deleting the number "65" and substituting in lieu thereof the number "63"; and that Subsection (e) of the "NOTE" be amended by deleting the number "65" and substituting in lieu thereof the number "63". - CARRIED.

\* \* \* \* \*

Recorded vote on Section 9, as amended.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Christopherson, Lombardo, Smith, Gallagher, Ross, Murray. - 12.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

(F) HIS WORSHIP MAYOR ROBERT M. MORROW - SECOND REPORT.

It was moved by Alderman Ross and seconded by Alderman Murray.

RESOLVED: that the Second Report of His Worship Mayor Robert M. Morrow be tabled until after debate on the Notice of Motion of Alderman Murray dealing with the composition of the Mayor's Race Relations Committee. -

YEAS: Aldermen Ross, Murray. - 2.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher. - 12. LOST.

\* \* \* \* \*

Recorded Vote to Receive the Second Report of His Worship  
Mayor Robert M. Morrow.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross. - 14.

NAYS: Alderman Murray. - 1. CARRIED.

\* \* \* \* \*

It was moved by Alderman McCulloch and seconded by Alderman Ross.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution respecting the 1990 Hamilton-Scourge/Jason Project. - CARRIED.

\* \* \* \* \*

It was moved by Alderman McCulloch and seconded by Alderman Ross.

RESOLVED: that the attached Memorandum of Agreement between The Corporation of the City of Hamilton and The Jason Foundation for Education for the 1990 Hamilton-Scourge/Jason Project, as prepared by Turkstra, Mazza Associates, Lawyers, be approved, in principle, pending preparation of a final document to be signed by all parties concerned.

NOTE: Attached, for the information of the Members of City Council, is a copy of a letter from Mr. Herman Turkstra, dated 1990 May 8, respecting the latest draft of the Agreement between the City of Hamilton and The Jason Foundation for Education regarding the exploration of the Hamilton-Scourge.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30,  
B-45, B-46, B-47, B-48, B-49, B-50, B-51, B-52,  
B-53, B-54, B-55, B-56, B-57, B-58, B-59, B-60,  
B-61, B-62, B-63,  
D-49, D-50, D-51, D-52, D-53, D-54, D-55, D-56,  
D-57, D-58.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Gallagher in the chair.

A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30,  
B-45, B-46, B-47, B-48, B-49, B-50, B-51, B-52,  
B-53, B-54, B-55, B-56, B-57, B-58, B-59, B-60,  
B-61, B-62, B-63.  
D-49, D-50, D-51, D-52, D-53, D-54, D-55, D-56,  
D-57, D-58.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallaher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30,  
B-45, B-46, B-47, B-48, B-49, B-50, B-51, B-52,  
B-53, B-54, B-55, B-56, B-57, B-58, B-59, B-60,  
B-61, B-62, B-63,  
D-49, D-50, D-51, D-52, D-53, D-54, D-55, D-56,  
D-57, D-58.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Smith, Gallagher, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 11.40 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its FIFTEENTH Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Crystaplex Plastics Ltd., Mississauga, in the amount of \$32 968.77, to supply and install glass rink boards and frames, Mountain Arena, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest acceptable of three (3) quotations received. Funds provided in Mountain Arena Rink Slab Replacement Account No. CF5255 318941014.

2. That a purchase order be issued to Provincial Traffic Signs, Port Perry, in the amount of \$14 130 plus provincial sales tax at 8%, for the supply and delivery of Galvanized "U" Channel Posts to Purchasing Stores in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of eight (8) tenders received. Funds provided in Stock Inventory Account No. CH56103 28999.

3. That purchase orders be issued for the replacement of three (3) Diesel Powered Turf Tractors, Units #9516, 9469/94, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

O'Neils Farm Equipment, Binbrook

In the amount of \$16 433.28 to replace One Tractor without cab, Unit #9516

Crossroads Equipment, Jerseyville

In the amount of \$36 030.66 to replace Two Tractors with cabs, Units #9469/94

NOTE: Lowest of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

4. (a) That permission be given to the Hamilton Veterans' Committee to form up their Annual Decoration Day Parade in the City Hall forecourt on Sunday, 1990 June 10 from 11:30 o'clock a.m. to 12:10 o'clock p.m.
- (b) That in the event of inclement weather permission be given to the Hamilton Veterans' Committee to hold the Decoration Day Memorial Service in the City Hall forecourt.
- (c) That the first floor washroom facilities in City Hall be made available to the Veterans' Associations between 11:30 o'clock a.m. and 12:10 o'clock p.m.

5. That civic silver pins be awarded to the following members of the Bishop Ryan Wrestling Team for winning the 1990 Ontario Federation Secondary School Athletic Association Wrestling Championships on 1990 March 5-6 at the University of Windsor:

Anthony Campese	Carmen Centurami
Mike Boccalon	Jason Mancini
John Reda	Vince Billeci
Tom Curran	Brian Curran
Mike Chorley	Chris Travale
Anthony Santaguida	Peter Ranieri
Cory Curran	Tyler Startek
Angelo Centurami	John DiBenedetto - Coach
John VanGoethem	Derm Tilley - Assistant Coach

6. That civic silver pins be awarded to the following members of the Hamilton Seekers Bantam Volleyball Team for winning the Ontario Bantam Championships held in Hamilton on 1990 February 17:

Barbara Sheahan  
Kelly Smith  
Charlene Kush  
Bina DiLivio  
Amanda Schweinbenz  
Paula Prentice  
Tara Messner  
Stu McCarthy - Coach  
Rob Luciani - Coach  
Maria Petruccelli - Coach

7. (a) That the City confirm that the Development Agreement between the City, the Cadillac Fairview Corporation Limited and Eaton Properties Limited, registered as Instrument No. 453533 C.D. and 222066, L.T. on April 22, 1988 is in good standing as of April 9, 1990.
- (b) That the City confirm that The Bridge Agreement among the City and the Region, The Cadillac Fairview Corporation Limited, and Eaton Properties Limited registered as Instrument No. 242450 L.T. on December 19, 1988 is in good standing as of April 9, 1990.

NOTE: The solicitors for Eaton Properties Limited, the Cadillac Fairview Corporation Limited and Cadillac Fairview/JMB Properties, co-owners and developers of the Hamilton Eaton Centre have been reviewing the title of the above noted property and have requested the City to provide them with a number of documents granting release of previously registered agreements affecting the property and providing them with notices of compliance to obligations in another agreement. The release of the old agreements include Site Plan Agreements, Development agreements, an Area Opening Agreement and a Sidewalk Maintenance Agreement of various dates, the earliest of which is from the year 1928.

8. (a) That the rental fee for the use of four parking spaces at the King-Jarvis Parking Lot by the "It's All Greek To Me!" Restaurant (Ms. Margaret Tsangarakis) for the purpose of establishing an outdoor patio restaurant be \$5 856 inclusive of realty taxes for a four month period commencing June 1, 1990 and terminating on September 30, 1990.
- (b) (i) That the Lease Agreement contain the proviso that the Lessee will provide the City with liability insurance to the extent of \$2 000 000.
- (ii) That the patio structure to be placed on the subject parking spaces be constructed to the satisfaction of the General Manager of the Parking Authority.
- (iii) That the Lessee be responsible for any business taxes as the use of the patio restaurant.
- (c) That the Mayor and City Clerk be authorized to execute a lease agreement in a form satisfactory to the City Solicitor.

NOTE: Pursuant to Item 12 of the ELEVENTH Report of the Finance and Administration Committee, City Council on April 10, 1990 authorized the leasing of four parking spaces for a four month period, subject to the Director of Property establishing a rental fee for this lease.

9. That the Appointments To and Terminations from Permanent positions with the Corporation to April 25, 1990, attached hereto and marked Appendix "A", be approved.
10. That the following resolution of the Township of Cumberland recommending that regulations and/or legislation, as required, be enacted immediately to have vent shields installed on all gas regulators in the Province of Ontario, not be endorsed.

THAT WHEREAS an investigation of a fire on November 29, 1989 has determined that an overpressure of the natural gas service was the result of a frozen regulator vent; and

WHEREAS the Council of the Township of Cumberland has previously recommended improvements be made to reduce this hazard;

BE IT THEREFORE RESOLVED THAT The Council of the Township of Cumberland recommends to the Minister of Consumer and Commercial Relations that the recommendations contained in the "Engineering Report of Fatal Fire, 1568 Hoskins Crescent", Office of the Fire Marshall dated September 30, 1987 be implemented;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Minister of Housing, the Solicitor General of the Province of Ontario and the Association of Municipalities of Ontario, as well as all urban municipalities.

NOTE: The Finance and Administration Committee concurs with the recommendation of Mr. L. C. King, Building Commissioner, that the above resolution not be endorsed.

11. That the request of the Cari-Can Festival Committee for permission to use the King Street West pedestrian bridge for the purpose of placing a maximum of six judges only to be seated facing the east window on Saturday 1990 August 18 from approximately 12:00 o'clock noon to 3:00 o'clock p.m. for their parade competition, be approved.
12. That ceramic cups be used in City Hall for all City and Regional Council and Committee meetings and that the Region's Advisory Committee on Environmental Issues be requested to investigate the banning of styrofoam cups in City facilities.

13. (a) That the City of Hamilton support the principles of the A.M.O. Discussion Paper "New Dimensions" in Recommendation I, II, III, IV and VII.
- (b) That Recommendation VI be supported with the understanding that there will be full cost reimbursement, promptly and without excessive administrative requirements.
- (c) That the A.M.O. be requested to reconsider the need for municipal participation in the grant programs included in Recommendation V.

NOTE: The Recommendations contained in the A.M.O. Discussion Paper "New Dimensions" read as follows:

Recommendation I: A stable and consistent municipal revenue base comprised of property tax, user fees and revenue transfers (grants) must be clearly defined in a new revenue-sharing partnership agreement.

Recommendation II: A new general municipal support grant to replace the current inadequate Unconditional Grant Program.

Recommendation III: Elimination of some conditional grant programs with the funding allocation distributed to municipalities through the new Unconditional Grant Program - a general municipal support program.

Examples:   Municipal Roads Grant  
              Community Planning Grants  
              Community Area Improvement Program  
              PRIDE  
              Community Programs in Recreation  
              Wintario Development Program Grants  
              Wintario Capital Grants

Recommendation IV: Elimination of specific Conditional Grant Programs with program responsibility assumed by the Provincial Government. Municipalities could act as a delivery agent for some services, on a full cost recovery basis.

Examples:   Income Maintenance and Employment Support Programs  
              Child Care  
              Children's Aid Societies  
              Municipal Homes for the Aged  
              Municipal Housing Statement Program  
              Ontario Basic Mapping Program

Recommendation V: For those services assessed as a joint responsibility, retention of the existing cost-shared grant program.

Examples: Transit Specialized Operation & Capital Grant Program  
Elderly Person Centres  
Homemakers and Nurses Services Program  
Home Support Program  
Lifelines  
Sewer and Water Direct Grant Program  
Conservation Authorities  
A (New) Social Planning Grant Program

Recommendation VI: Continuation of those programs in which municipalities act as administrative agents for the Provincial Government.

Examples: Ontario Renewal Program  
Livestock Compensation Program  
Shoreline Property Assistance Program  
Drainage Works/Erosion Control Programs

Recommendation VII: Elimination of payments in lieu of taxes with the Federal and Provincial Governments paying their full share of property taxes.

14. (a) That the City of Hamilton maintain its contribution to the Hamilton Society for the Prevention of Cruelty to Animals (HSPCA) for 1990 only based on the "user pay" formula as approved by City Council 1990 January 30 (74.4%).
- (b) That for 1991 and future years the equalized assessment formula be applied (that is, the basis used to distribute the Regional budget among the six area municipalities) and include the entire budget for HSPCA for both capital and current within the Regional budget framework, subject to appropriate changes being made to the Regional Municipality of Hamilton-Wentworth Act.
15. (a) That the estimated cost in the amount of \$96 200 to undertake the parking lot improvement at the King's Forest Golf Course be financed from the Reserve for Capital Projects Account Centre No. CH 00203.
- (b) That the gross cost of the Capital Fund Account Centre No. CF 628945001 Renovate Chedoke Golf Course Parking Lot be reduced by \$96 200 and the excess financing on completion of this project be used to finance other capital projects for which debenture authorization has been received previously.

16. (a) That the cost to provide chain link fencing around three ball diamonds (Globe Park) in the amount of \$39 589 be financed from the Reserve for Capital Projects Account Centre No. CH 00203.
- (b) That excess funds in the amount of \$39 589 in the Capital Fund Account Centre No. CF 628754003 Upgrading of Stadium Facilities, Bernie Arbour Stadium be transferred to the Reserve for Capital Projects Account Centre No. 00203 and the gross authorized cost be reduced accordingly.
17. (a) That the "Reserve for Replacement of Motorized Equipment" be renamed the "Reserve for Office Equipment" and the definition be expanded to include microfilm equipment and weigh scales.
- (b) That the following pieces of equipment be replaced and funded from the Reserve for Office Equipment:

<u>Account Number</u> (1)	<u>Department</u> (2)	<u>Description</u> (3)	<u>Estimated Cost</u> (4)
CH5X621-00114	Treasury	Letter Opener - Mail Room	\$1 500
CH5X621-00114	Treasury	Electronic Weigh Scale - Coin Room	1 500
CH5X621-00114	Treasury	Electronic Typewriter - Tax (2)	2 200
CH5X627-00114	Building	Microfilm Jacket Readers (7)	3 750
CH5X627-00114	Community Development	Dictating Equipment	950
CH5X623-00114	Fleet Service	Calculators (2)	760
CH5X621-00114	Mayor's Office	Electronic Typewriter	<u>1 100</u>
			\$11 760 =====

- \* 18. That the appeal recommendations for the 1990 General Grants in the total amount of \$110 390, as outlined in Appendix "B" attached hereto including footnotes, be approved and funded from within the Grants Account No. CH 5AXXX 200XX.

\* *Proposed amendment to appendix "B" lost, recorded votes see page 2515*

- \* 19. That the City of Hamilton provide an interest free loan in the total amount of \$225 000 to Theatre Terra Nova subject to the following terms and conditions:
- (a) That the loan shall be used for the sole purpose of purchasing a theatre facility for Theatre Terra Nova;
  - (b) That the City Treasurer be authorized and directed to negotiate a repayment schedule for Council approval including the term of the loan, the amount and frequency of payments and the interest upon arrears of payments, if any;
  - (c) That the loan shall be secured by a second mortgage registered prior to the advance of the City's loan to Theatre Terra Nova provided that:
    - (i) the first and second mortgages do not exceed 75% of the appraised value of the property;
    - (ii) the solicitor for Theatre Terra Nova handling the purchase of the property prepares the mortgage satisfactory to the City Solicitor and certifies that the City has a good and valid second mortgage;
    - (iii) the solicitor for Theatre Terra Nova certifies to the City that the loan is not contrary to Section 112 of The Municipal Act.

NOTE: Theatre Terra Nova is presently located on a rented accommodation as a tenant at 77 Dundurn Street South, former church building on the corner of Dundurn and Main Streets. On January 22, 1990 they received an eviction notice to vacate the property no later than six months (i.e. July 22, 1990) for the purpose of remodelling and/or demolition. They have requested a \$225 000 interest free loan from the City, payable over fifteen years.

20. That leave be granted to introduce the following Bills:

- (a) Bill A-23 A By-law to Levy the Special Charges for 1990 for the Improvement Area in the Area Between King William Street, Mary Street, Main Street East and James Street, designated by By-law 82-151.
- (b) Bill A-24 A By-law to Authorize the Levy of a Special Charge in Respect of The Jamesville Business Improvement Area Generally Comprised of Lands on the East and West Side of James Street North Between the Railway Tracks on the North and King William Street on the South.

\* Section 19 amended, see page 2515

- (c) Bill A-25 A By-law to Authorize the Levy of a Special Charge in Respect of The Westdale Business Improvement Area Generally Covering King Street West Between the Area of the Intersection of Cline Avenue and King Street West and Extending to an Area West of Newton Avenue and Sterling Street.
- (d) Bill A-26 A By-law to Authorize the Levy of a Special Charge in Respect of Barton Street East #1 Business Improvement Area Generally Covering Both Sides of Barton Street from the West Side of Wellington Street to the East Side of Wentworth Street.
- (e) Bill A-27 A By-law to Authorize the Levy of a Special Charge in Respect of The International Village Business Improvement Area Generally Covering Both Sides of King Street East Between Mary Street and Wellington Street North.
- (f) Bill A-28 A By-law to Authorize the Levy of a Special Charge in Respect of The Concession Street Business Improvement Area Generally Comprised of Lands Covering Concession Street Between 18th Street and East 25th Street.
- (g) Bill A-29 A By-law to Authorize the Levy of a Special Charge in Respect of The Ottawa Street North Business Improvement Area Generally Covering Ottawa Street North Between Main Street East and Extending to an Area North of Barton Street East.
- (h) Bill A-30 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

- \*21. That the Regional Municipality of Hamilton-Wentworth be requested to join the City of Hamilton in the preparation and presentation of a similar "mock invoice" to the local members of the Provincial Legislature, and that due to time constraints the Region be requested to reply to the City's invitation as soon as possible within the next two weeks.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 May 3

*Section 21 amended, see page 2516*

Section 19 amended to read:

\*19. That the City of Hamilton provide an interest free loan in the total amount of \$225 000 to Theatre Terra Nova subject to the following terms and conditions:

- (a) That the loan shall be used for the sole purpose of purchasing a theatre facility for Theatre Terra Nova;
- (b) That the City Treasurer be authorized and directed to negotiate a repayment schedule for Council approval including the term of the loan, the amount and frequency of payments and the interest upon arrears of payments, if any;
- (c) That the loan shall be secured by a second mortgage registered prior to the advance of the City's loan to Theatre Terra Nova provided that:
  - (i) the first and second mortgages do not exceed the appraised value of the property;
  - (ii) the solicitor for Theatre Terra Nova handling the purchase of the property prepares the mortgage satisfactory to the City Solicitor and certifies that the City has a good and valid second mortgage;
  - (iii) the solicitor for Theatre Terra Nova certifies to the City that the loan is not contrary to Section 112 of The Municipal Act.
- (d) That this amount be charged to the Reserve for Contingency Account Centre Number CH 00115.

NOTE: Theatre Terra Nova is presently located on a rented accommodation as a tenant at 77 Dundurn Street South, former church building on the corner of Dundurn and Main Streets. On January 22, 1990 they received an eviction notice to vacate the property no later than six months (i.e. July 22, 1990) for the purpose of remodelling and/or demolition. They have requested a \$225 000 interest free loan from the City, payable over fifteen years.

Section 21 amended to read:

\*\* 21. That the Regional Municipality of Hamilton-Wentworth, the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board be requested to join the City of Hamilton in the preparation and presentation of a similar "mock invoice" to the local members of the Provincial Legislature, and that due to time constraints the Region and School Boards be requested to reply to the City's invitation as soon as possible within the next two weeks.

\* Recorded vote, see page 2515

\*\* Recorded vote, see page 2516

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. David G. Bendia	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. R. P. Reid - retired	\$30,788.67	\$30,788.67 per annum	17/04/90
Mr. Antonio J. Borges	Mechanic (C-6/B)	Fire	Replacing Mr. R. Kay - promoted	\$40,858.99	\$40,858.99 per annum	02/04/90
Mr. Michael L. Bromley	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. G. Smith - promoted	\$30,788.67	\$30,788.67 per annum	17/04/90
Mr. Gerry Cuddy	Manager of Business Application Systems (F)	Systems	Re-organization approved by Council 30/01/90	\$59,967.44 to \$70,564.00	\$70,564.00 per annum (5 of 5)	01/01/89
Mr. Stanley J. Double	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. F. G. Morse - retired	\$30,788.67	\$30,788.67 per annum	17/04/90
Ms. Betty Drury	Head Usher/Usherette Supervisor (8)	H.E.C.F.I.	Approved by H.E.C.F.I. Board 16/01/90	\$22,277.32	\$22,277.32 per annum	05/03/90
Mr. Robert Duckworth	Foreman/woman III (Chedoke) (13-C)	Public Works	Replacing Mr. M. Sheridan - resigned	\$31,010.72 to \$35,613.24	\$35,613.24 per annum (3 of 3)	09/04/90

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05/08/90

Prepared 25/04/90

Appendix "A" as referred to  
in Section 9 of the FIFTEENTH  
Report of the Finance and  
Administration Committee for  
1990.

## THE CORPORATION OF THE CITY OF HAMILTON

## APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Janine E. Gaunt	Program Organizer (A-7)	Culture & Recreation	Replacing Mr. G. Maychak - promoted	\$26,907.92 to \$32,934.20	\$26,907.92 per annum (1 of 5)	09/04/90
Mr. Joseph D. Gnatyszyn	Maintenance Assistant - HCC (8)	Convention Centre	Replacing Mr. D. Jenkins - resigned	\$22,277.32	\$22,277.32 per annum	17/04/90
Ms. Barbara C. Harrison	Taxation Clerk IV (E-4)	Treasury	Replacing Ms. A. Apkarian - promoted	\$22,891.44 to \$24,534.64	\$22,891.44 per annum (1 of 3)	19/03/90
Mr. Kenneth Harrop	Facilities Co-ordinator (I)	Culture & Recreation	New Position approved by Council 12/12/89	\$49,972.52 to \$58,883.24	\$54,307.24 per annum (3 of 5)	09/04/90
Mr. K. Ronald Henderson	Truck Driver-Labourer (Litter Containers) (D-8)	Public Works	Replacing Mr. B. Merritt - promoted	\$28,473.12 to \$28,889.12	\$28,473.12 per annum (1 of 2)	26/03/90
Ms. Marylou Hudon-Stroud	Typist Clerk Dispatcher (E-2)	Public Works	New Position approved in 1990 Budget	\$19,560.84 to \$21,073.00	\$19,560.84 per annum (1 of 3)	09/04/90
Mr. Kozo Kumita	Manager of Operations (H)	Systems	Re-organization approved by Council 30/01/90	\$51,899.64 to \$61,171.24	\$61,171.24 per annum (5 of 5)	01/01/89
Mr. John Laurie	Garage Attendant (D-7)	Public Works	Replacing Mr. L. Perry - retired	\$28,306.72 to \$28,722.72	\$28,722.72 per annum (2 of 2)	26/03/90

Prepared 25/04/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Gregory J. Maychak	Program Co-ordinator (K)	Culture & Recreation	New Position approved by Council 12/12/89	\$42,145.48 to \$49,611.12	\$42,145.48 per annum (1 of 5)	19/03/90
Mr. Gary McAndrew	Lieutenant (C-7/A)	Fire	Replacing Mr. D. Farkas - transferred	\$47,584.01	\$47,584.01 per annum	15/04/90
Ms. Laura E. McDavid	Typist Clerk II (E-2)	Traffic	Replacing Ms. D. Slaman - promoted	\$19,560.84 to \$21,073.00	\$19,560.84 per annum (1 of 3)	26/03/90
Mr. Gerard Melia	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. N. MacPherson - retired	\$30,788.67	\$30,788.67 per annum	17/04/90
Ms. Shelley Merlo Orzel	Events Co-ordinator (K)	Culture & Recreation	New Position approved by Council 12/12/89	\$42,145.88 to \$49,611.12	\$42,145.88 per annum (1 of 5)	26/03/90
Mr. Bradley T. Merritt	Street Sweeper Operator (D-9)	Public Works	Replacing Mr. L. Crooker - promoted	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	02/04/90
Ms. Cathy C. Pasquini	Program Organizer (A-7)	Culture & Recreation	Replacing Ms. S. Merlo Orzel - promoted	\$26,907.92 to \$32,934.20	\$26,907.92 per annum (1 of 5)	10/04/90

Prepared 25/05/90

05/08/90

## THE CORPORATION OF THE CITY OF HAMILTON

## APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Karl Roberts	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. A. Maxwell - retired	\$30,788.67	\$30,788.67 per annum	17/04/90
Mr. Paul D. Sokoloski	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. M. Feyerer - deceased	\$30,788.67	\$30,788.67 per annum	17/04/90
Mr. John T. Studer	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. S. J. Farkas - retired	\$30,788.67	\$30,788.67 per annum	17/04/90
Mr. Sidney Tinson	Traffic Serviceman II (A-3)	Traffic	Replacing Mr. J. Sadauskas - promoted	\$22,717.76 to \$25,807.60	\$22,717.76 per annum (1 of 4)	09/04/90
Mr. Gregory B. Warkentin	Probationary Firefighter (N-1/A)	Fire	Replacing Mr. E. M. Zelinski - retired	\$30,788.67	\$30,788.67 per annum	17/04/90

THE CORPORATION OF THE CITY OF HAMILTON  
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Catherine Eckenrath	Counter Clerk-Typist	City Solicitor's	Retired	22 years, 5 months	30/04/90
Mr. Robert Gladish	General Foreman (Beautification)	Public Works	Resigned	9 months	30/03/90
Ms. Nancy Hermiston	Lifeguard I	Culture & Recreation	Resigned	3 years	30/04/90
Mr. Alexander Maxwell	Captain	Fire	Retired	27 years, 11 months	31/03/90
Mr. Boleslaw Ortyl	Caretaker	Property	Retired	18 years, 1 month	01/05/90
Mr. David L. Taylor	Refrigeration/AC Technician	Copps Coliseum	Resigned	1 year, 11 months	23/03/90
Mr. John Torosantucci	Large Power Grader Operator	Public Works	Retired	33 years, 9 months	30/03/90

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05/08/90

Prepared 25/04/90

04-May-90

CITY OF HAMILTON  
 1990 GENERAL GRANTS REQUESTING APPEALS

NO. (1)	APPLICANT (2)	REQUESTED AMOUNT (3)	ORIGINAL RECOMMENDED AMOUNT (4)	RECOMMENDED AMOUNT ON APPEAL (5)	PURPOSE OF REQUEST/COMMENTS (6)
*1	DICTIONARY OF HAMILTON BIOGRAPHY	25,000	5,000	5,000	PRINTING COSTS OF "DICTIONARY OF HAMILTON BIOGRAPHY, VOLUME II"
2	GREENHILL CO-OP REC. & SOCIAL COMMITTEE	1,500	0	0	OFFSET COST OF FIREWORKS DISPLAY IN MAY
3	HAMILTON CARDINAL BASEBALL	8,000	2,000	2,500	LEAGUE FEES/TRAVEL/EQUIPMENT/PARK RENTAL
4	HAMILTON GYMNASIAC ACADEMY	22,940	0	0	SUPPLEMENT BINGO REVENUE TO OFFSET LEASE COSTS
5	HAMILTON PORTUGUESE INFO. CENTRE	20,000	0	0	TO ASSIST IN BUILDING COMMUNITY SERVICE CENTRE
6	HAMILTON-STONEY CREEK SKATING CLUB	5,000	0	500	OFFSET OPERATING COSTS-NOTE ALSO REQUESTING A C/R GRANT
7	HAMILTON THEATRE INC.	20,000	0	#1	NEW HEATING SYSTEM
8	HAMILTON-WENTWORTH CREATIVE ARTS INC	120,000	80,000	80,000	OFFSET COSTS OF FESTIVALS- FRIENDS, EARTHSOING AND BUSKINGFEST
*9	MCQUESTON COMMUNITY ASSOC.	2,000	0	0	OFFSET OPERATING COSTS-SOCIAL PROGRAMS (?) -REGIONAL RESPONSIBILITY
10	MSU-CFMU-FM RADIO-9 HAMILTON WOMEN	15,000	0	0	PRODUCE 6 PART RADIO DOCUMENTARY ON 9 PROMINENT HAMILTON WOMEN
11	ROSEDALE COMMUNITY COUNCIL	5,000	0	0	PURCHASE BASEBALL EQUIPMENT
12	WESLEY URBAN MINISTRIES	92,760	5,000	5,000	OFFSET OPERATING (INCLUDING STAFF) COSTS FOR RECREATION PROGRAMS
13	CARI-CAN FESTIVAL	140,000	7,390	17,390	OFFSET COST OF THE ANNUAL CARI-CAN FESTIVAL
14	LINCOLN ALEXANDER COMMUNITY CENTRE	27,000	0	0	OFFSET OPERATING COSTS
TOTAL		504,200	99,390	110,390	

## NOTE:

#1 - THAT A CAPITAL GRANT IN THE AMOUNT OF \$2,000 BE APPROVED FOR HAMILTON THEATRE INC. AND TO BE FINANCED FROM THE RESERVE FOR CAPITAL PROJECTS.

\* - THAT IN ADDITION THE PARKS AND RECREATION COMMITTEE BE REQUESTED TO CONSIDER FUNDING THE VICTORIA PARK COMMUNITY CENTRE WITHIN THE RECREATION DEPARTMENTAL BUDGET WITH THE ENDORSEMENT OF THE FINANCE AND ADMINISTRATION COMMITTEE FOR THE RECREATIONAL PROGRAMS OFFERED AT THE CENTRE.

\* Recorded votes, see page

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its SIXTEENTH Report for 1990 and respectfully recommends:

1. That the Chief Administrative Officer and Commissioner of Human Resources be authorized to negotiate the provisions of a contract with Mr. Mark Mascarenhas for a term of 3 years, commencing Thursday, May 10, 1990, within the compensation range "J" for the position of General Manager, Municipal Non-Profit (Hamilton) Housing Corporation.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 May 8  
/bc

## REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its SEVENTH Report or 1990 and respectfully recommends:

1. That approval be given to issue a purchase order in the amount of \$23 000. to retain a cost consultant, Huinink Consultants Ltd., for the New Traffic Operations Centre.

NOTE: Prime Consultant/Architect is currently preparing designs for the three schematic design options and is due for presentation on 1990 May 2. In order to utilize the Cost Consultant's services effectively, the purchase order had to be issued on or before 1990 April 25. The above has therefore been processed through the emergency procedures of the City of Hamilton Purchasing Policy.

2. That a purchase order be issued to J. J. MacKay Canada Ltd., London, in the amount of \$42 122.44 including all taxes, for the conversion of parking meters, rates and coin types for the Traffic Department, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest evaluated of two (2) tenders received. Funds provided in Parking Meters Account No. 56156 75999.

3. That a purchase order be issued to Laurentide Chemicals, Atlantic Division Ltd., Richibouto, New Brunswick for the supply and delivery of traffic paint as and when required during 1990 by the Traffic Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

Non-coning white and yellow paint	\$ 1.77 litre
Coning white paint	1.56 litre
Coning yellow paint	1.55 litre
Non-coning thinner	1.20 litre
Coning Thinner	1.10 litre

Provincial sales tax at 8%

NOTE: Lowest of three (3) tenders received. Funds provided in Traffic Pavement Marking Material Account No. 56153 75999.

4. That the firm of Varga Bros. Wrecking Limited be awarded the contract for the demolition of buildings and clearance of the site of the District 5 Yard - Mohawk Road West according to the specifications as called for by the Manager of Real Estate, Property Department at the price of \$67 490 The lowest of three bids received.

NOTE: Funds available in Account No. CH5X327 00102.

5. (a) That the fee to have the Public Works Department staff install a banner over Main Street be increased from \$160 to \$215 for 1990; and
- (b) That authorization be given to adjust this fee annually, based on actual rates for costs incurred rounded to the next \$5 amount.
6. (a) That financial support up to \$4 100 be approved to assist in the preparation of the history of Local 5, C.U.P.E., for hiring a student to assist in the work.
- (b) That the \$4 100 be charged to Account No. 51401 60434, Cleaning of Vacant City Lands.
7. (a) That the following City lands be incorporated into the various streets as noted:
- |                                  |                       |
|----------------------------------|-----------------------|
| 1. Block 80, Plan 62M-616        | into Emperor Avenue   |
| 2. Block "B", Plan M-180         | into Ottaviano Drive  |
| 3. Block "A", Plan M-180         | into Angelina Place   |
| 4. Block 44, Plan 62M-429        | into Greenshire Drive |
| 5. Part 3, Plan 62R-9668         | into Crerar Drive     |
| 6. Part 1, Plan 62R-11032        | into Jackson Street   |
| 7. Part 2, Plan 62R-11032        | into Ferguson Avenue  |
| 8. Block 74, Plan 62M-633        | into Bastille Street  |
| 9. Parts 10 & 11, Plan 62R-10931 | into Bastille Street  |
- (b) That the appropriate by-laws be enacted to give effect to this resolution.
- (c) That the Commissioner of Engineering be authorized and directed to register the by-laws.
8. That the applications for Inadvertent Encroachment Agreements as outlined on Schedule "A", appended hereto, be approved during the pleasure of Council provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- (b) That the Mayor, and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.

- (c) That a first year fee and a subsequent annual fee as determined in scheduled "A" be set for this privilege.
9. (a) That the request from Wentworth Condominium Corporation #116 for a discharge of the Encroachment agreement Registered as Instrument No. 340501 C.D. on January 20, 1986 which provides for driveways with retaining walls at 21 East Avenue South be approved provided that the discharge is prepared to the satisfaction of the City Solicitor.
- (b) That the appropriate City signing officials be authorized to execute the documents in relation to the discharge.
10. (a) That the submitted schedules for the estimated cost of services in:
- i) Rymal Estates, Hamilton  
City Share - \$202 406 Subdivider Share \$961 547.
  - ii) The Gardens of Rymal - Phase 1, Hamilton  
City Share - \$118 090.38 Subdivider Share \$147 256.
- be adopted for inclusion in the respective Subdivision Agreements with the owners.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective owners.
- (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he be permitted to do so at his own risk, providing that he enters into a Standard Agreement for Pre-servicing.
- (e) That the City's share of the cost of services for these developments (\$320 496.38) be approved, and that the Finance and Administration Committee recommend the source of funding for these projects.

THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS THAT THE CITY'S SHARE OF SERVICES INSTALLED IN "RYMAL ESTATES" IN THE AMOUNT OF \$202 406 AND THE "GARDENS OF RYMAL - PHASE 1" IN THE AMOUNT OF \$118 090.30 TO A TOTAL OF \$320 496.38 BE FINANCED FROM THE RESERVE FOR CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS, ACCOUNT CENTRE NO. CH 00107. -CARRIED-

11. That the application of Ms. K. W. Lo, proprietor of the Taipan House, at 13 Hess Street South, on behalf of the owner Mr. Wm. Robinson, requesting permission to establish an outdoor boulevard cafe, measuring 10.05m x 3.048m for a total area of 30.63m<sup>2</sup>, be approved during the pleasure of City Council provided that:

- (a) The owners prepare a Licensing Agreement and an Encroachment Agreement, satisfactory to the City Solicitor and the Commissioner of Engineering, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss, and the owners provide proof of \$1 000 public liability insurance naming the City of Hamilton as an added insured party, with a provision for cross-liability, and deliver the policy or certified copy or certificate thereof to the City Solicitor and maintain the policy during the currency of the agreements, and deliver annually a renewal certificate of the policy to the City Clerk.
- (b) A Seasonal Licence (from May 1st to October 31st) first year fee of \$1 199.89, which includes an application fee of \$217., be set for the privilege of the Outdoor Boulevard Cafe;
- (c) A subsequent annual fee of \$982.89 be set for the privilege of the Outdoor Boulevard Cafe; and
- (d) The total first year fee of \$1 199.89 shall be due and payable to the Corporation, 30 days from the date of the resolution.
- (e) The owners may occupy the licenced area of the boulevard from May 1st to October 31st and furniture, equipment, etc., must be removed from the area at all other times.
- (f) The owners conform, without exception, to the "Proposed Policy and Procedure Guidelines for Outdoor Boulevard Cafe" as adopted by Council on August 28, 1984; and as amended on July 30, 1985.

\* 12. That the Hamilton and District Literacy Council be permitted to display a promotional banner across Main Street West in front of City Hall, from Monday March 4 to March 11, 1991, with the following message:

"Hamilton Literacy Council Teaches Adults to Read Call 529-9907"

\* 13. That the Memorial Cup Organizing Committee be permitted to display a promotional banner across Main Street West in front of City Hall, from Friday, May 4th to May 9th, 1990 with the following message:

"Welcome Canadian Hockey League-Memorial Cup"  
Copps Coliseum - May 4 - 13

\* Recorded votes, see page 2517

14. That the application of Diane Morris, on behalf of the Hamilton B.I.A. - Downtown Promenade to hold a Sidewalk Sale on Mary Street, Catharine Street, and Hughson Street from King William Street to Main Street on Friday, May 11, 1990 (9:30 a.m. to 12:00 p.m.) and Saturday May 12, 1990 (9:30 a.m. to 5:30 p.m.) be approved by City Council provided that:
- (a) The applicant save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;
  - (b) The applicant provide proof of public liability insurance in the amount of \$2 000., naming the City as an added insured, with a provision for cross-liability and submit said proof to the Commissioner of Engineering;
  - (c) Clean-up of the sidewalk will be carried out immediately following the event, at the expense of the applicant;
  - (d) The operation of the sale does not interfere with hydrants, and pedestrian traffic along the sidewalk, nor at bus stop areas. A minimum of 1.5m of unobstructed sidewalk must remain open for pedestrian traffic; and,
  - (e) The City of Hamilton Department of Public Works and the Regional Police Department be notified of this event.
15. That the closure of the following City Streets from 5:00 p.m. to 11:00 p.m. on Saturday, June 9, 1990 and Sunday June 10, 1990 in order that Comunita Racalmutise Maria Santissima Delmonte may hold a Street Festival:
- Murray Street East between Hughson St. and James St. North
  - Murray Street West between James Street and MacNab St. North
  - James Street North between Barton Street and the CNR Bridge
- be approved during the pleasure of City Council provided:
- (a) That the applicant receive "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
  - (b) That advance temporary road closure signs be installed one week in advance by the City of Hamilton, if deemed appropriate by the Traffic Department, on the affected roadways, and at the expense of the organizing group.
  - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;

- (d) That the applicant provide proof of \$2 000 000. public liability insurance, naming the City as an added insured party with a provision for cross liability, and holds the City harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss;
  - (e) That the applicant reimburse the Regional Police; Department of Engineering, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event.
  - (f) That no property owner or resident within the barricaded area will be denied access to their property upon request.
  - (g) That all property owners and tenants along the closed portion of the route be notified of the festival race by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering.
16. That Hess Street North be closed between King Street West and York Boulevard from 8:45 a.m. to 12:00 p.m. on Saturday, May 26 1990 in order that the Boy Scouts and Girl Guides may hold a parade provided:
- (a) That the applicant receive "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
  - (b) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, if deemed appropriate on the affected roadways, and at the expense of the organizing group.
  - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;
  - (d) That the applicant provide proof of \$2 000 000 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holds the City harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss;
  - (e) That the applicant reimburse the Regional Police; Department of Engineering, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event.
  - (f) That no property owner or resident within the barricaded area will be denied access to their property upon request.
  - (g) That all property owners and tenants along the closed portion of the route be notified of the Parade by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering.

17. That Hamilton Hydro be instructed to proceed with the system modifications outlined in Schedule "B" and approved in the City's 1990 Current Local Roads Budget for Street Lighting in the total amount of \$374 000.

18. That the Chairman or his designate and one member of the Transport and Environment Committee be authorized to attend the Air and Waste Management Association - 83rd Annual Meeting and Exhibition, to be held in Pittsburgh, Pennsylvania June 24 to June 29, 1990.

19. That, a contract position of Traffic Operations Technologist (Schedule A-14) be established in the City of Hamilton Traffic Department for a duration of 18 months.

NOTE: The salary, overhead and benefits for the employee conducting this project will be funded entirely by the Regional Engineering Department and the Ministry of Transportation, Ontario on an equally-shared basis. There will be no cost to the City.

In the 1990 current budget, the Engineering Department of the Regional Municipality of Hamilton-Wentworth has made provision for funding a project to review the timing of traffic signals in Hamilton and Hamilton-Wentworth.

The intention of the project is to review the timing of individual traffic signals and the relationship between adjacent traffic signals on a widespread basis. Such a comprehensive investigation has not been conducted since 1964.

20. That the City Traffic By-law No. 89-72 be amended to provide for the following:

- (a) That unrestricted parking be permitted on the east side and a full-time parking prohibition be implemented on the west side of Fraser Avenue between Argyle Avenue and Campbell Avenue, in place of the existing "Alternate Side Parking" regulation.
- \*(b) That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the south side of Jackson Street West between Ray Street South and Pearl Street.
- (c) That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the east side of Hess Street South, commencing at a point 109 feet south of Jackson Street West and extending to a point 90 feet southerly therefrom.

\* Section 20(b) referred back

- (d) That parking be prohibited on the west side of Frid Street from Chatham Street to a point 169 feet northerly therefrom.
- (e) That a "Permit Parking" regulation be implemented on the south side of Mulberry Street commencing at a point 63 feet east of Bay Street North and extending to a point 65 feet easterly therefrom; and that the Director of Traffic Services be authorized to issue, upon request one time limit exemption permit to the resident at No. 104 Mulberry Street and two permits to the resident at No. 108 Mulberry Street.
- (f) That "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m. Monday to Saturday," regulation be implemented on both sides of Crockett Street between East 31st Street and East 32nd Street.
- (g) That stopping be prohibited on the north side of Inverness Avenue between Upper Wellington Street and East 11th; and that stopping be prohibited on the south side of Inverness Avenue from a point 30 feet west of the west curb line of East 11th Street to Upper Wellington Street.
- (h) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Maplewood Avenue commencing at a point 58 feet west of Springer Avenue and extending to a point 92 feet westerly therefrom.
- (i) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Edwina Place commencing at a point 92 feet south of Berko Avenue and extending to a point 120 feet southerly therefrom.
- (j) That parking be prohibited on the west side of Niagara Street commencing at a point 103 feet north of the C.N.R. Tracks and extending to a point 24 feet northerly therefrom.
- (k) That the existing "Permit Parking" regulation on the south side of Crestwood Drive which commences 25 feet east of David Street and extends to a point 20 feet easterly therefrom be relocated such that the regulation commences 77 feet east of David Street and extends to a point 20 feet easterly therefrom.
- (l) That stopping be prohibited on the north side of Crockett Street between East 34th Street and a point 69 feet easterly therefrom; and that stopping be prohibited on the south side of Crockett Street between East 34th Street and a point 47 feet westerly therefrom; and that the existing stopping prohibition on the north side of Crockett Street between East 34th Street and a point 50 feet westerly therefrom be shortened, such that the prohibition extends to a point 28 feet west of East 34th Street.
- (m) That three-way stop control be implemented at the intersection of Cline Avenue South and Paul Street.

21. That the Director of Traffic Services be authorized to issue one time limit exemption permit to Ms. Leakhena Bun, 401 - 151 Queen St. North.
22.
  - (a) That the Director of Traffic Services be authorized to provide parking infraction prosecutions for other Area Municipalities within the Region, on the basis of a charge of \$5.00 per prosecution for Traffic Court and \$40.00 per prosecution for the Appeal Court; and
  - (b) That the actual cost of prosecution be monitored in order that the level of the charges may be reviewed in December of 1990; and
  - (c) That the City Solicitor be directed to consider the need for an agreement between the City of Hamilton and the individual Area Municipalities, to formalize the terms of providing prosecution services in Court for those Area Municipalities wishing to participate and if deemed necessary, undertake to prepare the necessary agreement.
23.
  - (a) That the City Solicitor be authorized to make an application to District Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order to stop-up and close the unopened road allowance of Bedford Street from the Widened Limits of Rymal Road East to the north Limits of Bedford Avenue.
  - (b) That the Commissioner of Engineering be authorized and directed to sign an affidavit setting out that no public funds have been expended on the road allowance to be closed.
  - (c) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court.
  - (d) That the applicant register a reference plan under The Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and to delineate the manner in which the closed portion is to be distributed among the abutting owner(s), and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor.
  - (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act.

- (f) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.

And provided the Judge's Order to close the highway is granted:

- (i) That the City Solicitor be directed to prepare a by-law for the sale of the closed highway to the abutting owners(s).
- (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the by-law.

24. That leave be granted to introduce the following Bills:

- (a) **Bill B-45** A By-law respecting construction of local improvements of a concrete sidewalk on the south side of Barton Street from Kenora Avenue to Centennial Parkway.
- (b) **Bill B-46** A By-law to Incorporate Part 10, Plan 62R-9436 into Presidio Drive.
- (c) **Bill B-47** A By-law to Incorporate Parts 1 and 2, Plan 62R-11002 into Rexford Drive.
- (d) **Bill B-48** A By-law to Incorporate Block 30, Plan 62M-644 into Acadia Drive.
- (e) **Bill B-49** A By-law to Incorporate Parts 8 and 9, Plan 62R-6969 into Silverton Avenue.
- (f) **Bill B-50** A By-law to Incorporate Parts 1, 2, 3, 4, 5, and 6, Plan 62R-4121 into Templemead Drive.
- (g) **Bill B-51** A By-law to Incorporate Block 80, Plan 62M-616 into Emperor Avenue.
- (h) **Bill B-52** A By-law to Incorporate Block 74, Plan 62M-633 and Parts 10 and 11, Plan 62R-10931 into Bastille St.
- (i) **Bill B-53** A By-law to Incorporate Block "B", Plan M-180 into Ottaviano Drive.
- (j) **Bill B-54** A By-law to Incorporate Block "A", Plan M-180 into Angelina Place.

- (k) Bill B-55 A By-law to Incorporate Block 44, Plan 62M-429 into Greenshire Drive
- (l) Bill B-56 A By-law to Incorporate Part 3, Plan 62R-9668 into Crerar Drive.
- (m) Bill B-57 A By-law to Incorporate Part 1, Plan 62R-11032 into Jackson Street.
- (n) Bill B-58 A By-law to Incorporate Part 2, Plan 62R-11032 into Ferguson Avenue.
- (o) Bill B-59 A By-law to Incorporate Part of Reserve in William Strong's Survey, on Registered Plan No. 300 into Fairholt Road.
- (p) Bill B-60 A By-law to Incorporate All of Block 82 and part of Block 81, Plan 62M-628 into Bastille Street.
- (q) Bill B-61 A By-law to Incorporate Block 81, Plan 62M-628 into Brigade Drive.
- (r) Bill B-62 Traffic By-law to Amend By-law No. 89-72 to Regulate
- (s) Bill B-63 Traffic By-law to Amend By-law No. 89-72 to Regulate

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
1990 April 30

mjw

SCHEDULE "A"

City Council Date: May 5, 1990

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
105 Canada Street	porch measuring 17' X 1'	Millar, Alexander, Isaacs, and Millar Suite 201 Stelco Tower 100 King Street West Hamilton, Ontario L8P 1A2	\$105/\$20	T103-50(785)
21 East Avenue South	depressed concrete driveway measuring 4.62 X 5.64 elevated concrete driveway measuring 4.62 m X 6.78 m two railway tie retaining walls measuring 1.01m high by approx. 2.4 m long	Wentworth Condominium Corporation #116 P.O. Box 6454, Stn "F" Hamilton, Ontario L9C 7C7	\$105/\$20	T103-50(344)
25 Douglas Street	front steps and stoop measuring 10' X .72'	Borkovich and Ingrassia One Main Street east Hamilton, Ontario L8N 1E7	\$105/20	T103-50(724)
470-472 Mackab Street North	front steps measuring 5' X 7' and 5' X 7.6'	John Beckett Q.C. 20 Jackson Street West Suite 500 Hamilton, Ontario L8P 1L2	\$105/20	T103-50(860)
1117 Cannon Street	portion of foundation of the house measuring 2.0' X 37.5'	Ross & Ross 143 James Street South Suite 700 Hamilton, Ontario L8P 3A1	\$105/20	T103-50(761)

-2550-

Schedule "A" as referred to in  
Section 8 of the Seventh  
Report of the Transport and  
Environment Committee.  
05/08/90

Schedule 'B'

- Main Street West , Dundurn to Queen	\$70,000
- Main Street West, Queen to Bay	\$44,000
- Main Street West, Haddon to Paradise	\$35,000
- Upper Ottawa Street and Fennell Avenue Intersection	\$18,000
- Other small Projects - reconstruction	\$30,000
- Spot Improvements - requests	\$15,000
- Miscellaneous Projects - by HHES	\$50,000
- Concrete Pole Replacements	\$10,000
- Stone Church Road, at Pritchard	\$28,000
- King William Street, Catharine to Ferguson	\$15,000
- Rymal Road, Nebo to Upper Ottawa	\$12,000
- King Street, Nash to Owen Place	\$15,000
- Rice Avenue, Mohawk to Wendover	\$ 5,000
- Upper Horning, Golf Links to Amalfi	\$27,000
TOTAL	\$374,000

TS: rbo

# REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its TENTH Report for 1990 and respectfully recommends:

1. (a) That the Hamilton White Eagles Soccer Club enter into a lease agreement with the Corporation of the City of Hamilton for the year 1990, for the use of Mohawk Sports Park, for dates and times listed as follows:

May 9	7:00 - 11:00 p.m.
May 12	7:00 - 11:00 p.m.
June 6	7:00 - 11:00 p.m.
June 11	7:00 - 11:00 p.m.
June 20	7:00 - 11:00 p.m.
June 30	7:00 - 11:00 p.m.
July 23	7:00 - 11:00 p.m.
August 26	7:00 - 11:00 p.m.

- (b) That the rental rate paid by the Hamilton White Eagles Soccer Club, during the term of the agreement be \$400 per game.
- (c) That the Hamilton White Eagles Soccer Club be required to provide at least two uniformed police officers at the first game, and that provision for same be reviewed, and that further requirements for police officers be determined by the Director of Culture and Recreation or his designate.
- (d) That the Hamilton White Eagles Soccer Club be required to submit a financial statement with respect to admissions, by a chartered accountant licensed to practice public accounting in Ontario.
- (e) That an agreement satisfactory to the City Solicitor be executed with respect to same.
- (f) That the Hamilton White Eagles be responsible for all clean up and labour related charges over and above the rental fee.

NOTE: The Hamilton White Eagles Soccer Club are an established new team and play soccer in the National Soccer League. The White Eagles possess \$5 million Public Liability Insurance through the National Soccer League. This will result in increased revenue in the amount of \$3 500 for the season.

2. That the Director of Culture and Recreation, on behalf of the City of Hamilton, be authorized to co-sponsor Annual Canusa Games Golf Tournaments at the Chedoke, Beddoe Golf Course.
3. That permission be granted to Hamilton-Wentworth Creative Arts to sell alcoholic beverages in Dundurn Park pavilion on the occasion of the Earthsong Festival being held in Dundurn Park, 1990 June 29 to July 02 inclusive, subject to the following terms and conditions:
  - (a) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured.
  - (b) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.)
  - (c) That alcoholic beverages be served in the confined area of the pavilion (beer and wine only).
  - (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcoholic beverages.
  - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.

NOTE: Permission was granted by City Council at its meeting of 1990 April 10 to Hamilton-Wentworth Creative Arts to hold this event in Dundurn Park.

4. (a) That the application by the Hamilton Folk Arts Heritage Council to host "It's Your Festival" in Gage Park from Saturday, 1990 June 30 to Monday, 1990 July 02 inclusive, between the hours of 12:00 noon and 11:00 p.m. be approved subject to the following terms and conditions:
  - i. That \$2 million Comprehensive General Liability for Property Damage and Bodily Injury, naming the City as Co-Insured be provided.
  - ii. That the location of various booths and activities within the park be subject to the approval of the Parks Division in order to reduce damage and high maintenance costs.
  - iii. That the organizer assume "actual labour charges" associated with the event as reported by the Parks Division, subsequent to Parks Division representatives meeting with the organizers.

- iv. That the list of scheduled entertainment be forwarded to the Director of Culture and Recreation at least one (1) month prior to the event in order that:
    - same can be forwarded for review and approval by the Parks and Recreation Advisory Sub-Committee, and
    - discussions can take place with the Hamilton-Wentworth Regional Police for the provision of adequate police security, costs of same to be borne by the applicant.
  - v. That the bandshell rental of \$35 per day be applicable.
  - vi. That the organizers arrange for public announcements throughout the event advising the general that animals are prohibited in the park.
5. That the Chairman and a designate be authorized to attend the Canadian Parks and Recreation Association Conference in Thunder Bay on 1990 August 12-16.
6. That approval be given to install an additional bocce court at the Mountain Arena at an estimated cost of \$7 500; with the City's portion being \$4 500 and the balance paid through the fundraising efforts of the Community Bocce Club. The City's portion to be charged to City's Reserve for Parkland (5% Fund).

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

1990 May 01

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its TENTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for the following property:

(a) 279 Lake Avenue North.

NOTE: Demolition permit applications for properties at 150 and 152 Catharine Street South have been tabled, since they are of interest to L.A.C.A.C., with the understanding that these applications will be brought back to the Planning and Development Committee at its next meeting for consideration.

2. (a) That, the Commercial Improvement Programme Submission, attached herewith and marked Appendix "A", be approved at an estimated gross cost of one hundred and thirty-nine thousand, nine hundred and forty dollars (\$139,940.); and,

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- (b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

NOTE: On 1987 January 19, City Council approved the Department of Community Development's Capital Budget Submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two and a half million dollars (\$2,500,000.) for the Commercial Improvement Programme. There will be approximately six hundred and sixty-six thousand dollars (\$666,000.) unallocated if Appendix "A" is approved.

3. That in regard to Site Plan Control Application DA-89-64 by BYM Construction Ltd., owners of lands known as 985 Upper Ottawa Street and 5 Carson Drive for an addition to the existing commercial plaza, that the following be approved:

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- (a) That the plans and drawings of Site Plan Control Application DA-89-64, be registered on title; and,

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- (b) That the neighbourhood plan be amended to redesignate the subject lands from "Attached Housing" to "Commercial" as approved under Zoning Application ZA-87-60 to permit an expansion to the existing shopping plaza.

NOTE: Since the plans and drawings were submitted as exhibits at the Ontario Municipal Board Hearing held 1989 August 15, they should be registered on title to ensure that the development of the lands are consistent with the Board's decision and the approval of Site Plan Control Application DA-89-64.

4. That approval be given to City Initiative 90-A, M. and I. Bakai, applicants, for two By-laws to validate title under Section 56 of the Planning Act, for properties located at 203 and 205 Hess Street North, as shown on the attached map marked as Appendix "B", on the following basis:
  - (a) That the City Solicitor be directed to prepare By-laws pursuant to Section 56 of the Planning Act for presentation to City Council.
5. (a) That approval be given to Official Plan Amendment No.90 to establish a Special Policy Area to permit general office uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
  - (b) That approval be given to amended Zoning Application 88-119, DiMarcantonio Industries Ltd. (S. Dimarcantonio, D. DiMarcantonio, and P. DiMarcantonio), owners, requesting a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District, to permit general office use within the existing building, for property located at 26 Arrowsmith Road, as shown on the attached map marked as Appendix "C", on the following basis:
    - (i) That the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations as contained in Sections 16A and 17A of Zoning By-law of No. 6593, applicable to the subject lands, be modified to contain the following variance as a special provision:
      - (1.) That notwithstanding Sections 16A(1) and 17A(1) of Zoning By-law No. 6593, general offices shall be permitted within the existing building only;
    - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1175, and that the subject lands on Zoning District Map E-103 be notated S-1175;
    - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
    - (iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.90 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations for property located at 26 Arrowsmith Road.

The effect of the By-law is to permit, in addition to the existing manufacturing use, general office uses within the existing building.

6. That approval be given to amended Zoning Application 89-18, H.M. and A.K. Nyhof, owners, for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, to permit a residential dwelling unit on the upper level and a sail making and repair shop including canvas work and the sale of marine hardware on the lower level within the existing building, for the property located at 469 Bay Street North, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 10(1), the following uses shall be permitted:

- (1.) Industrial Use only within the first floor of the existing building

- (a) A sail making and repair shop including canvas work; and,

- (2.) Commercial use only within the first floor of the existing building

- (a) A retail store for the sale of marine hardware.

- (3.) Accessory Use

- (a) One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m<sup>2</sup> non-illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the commercial and industrial uses.

- (ii) That Section 18A(1)(a) shall not apply for the Class "A" dwelling unit on the second floor.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1176, and that the subject lands on Zoning District Map W-2 be notated S-1176;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings. Townhouses, etc.) District regulations, for the property located at 469 Bay Street North.

The effect of this By-law is to permit a sail making and repair shop including canvas work, and the sale of marine hardware on the lower level within the existing building.

In addition, the by-law permits one wall sign, ground sign or projecting sign not greater than 0.4 m<sup>2</sup> in area, non-illuminated or illuminated by interior means only and not closer than 1.5 m to the street line.

- 7. (a) That approval be given to Zoning Application 90-14, Mount Hamilton Christian Homes Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District modified (Block "1") and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), to permit the construction of a 3 storey, 12 unit addition to the existing senior citizen's residence, and to permit the existing two-family dwelling and provide for 17 additional parking spaces, for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street as shown on the attached map marked as Appendix "E", on the following basis:
  - (i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE" (Low Density Multiple Dwellings) District;
  - (ii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593 applicable to the lands described as Blocks "1" and "2" be modified to include the following variances as special requirements:

- (1.) That notwithstanding Section 10A(1) of By-law No. 6593, a two-family dwelling shall be permitted within the building existing at the date of passing of this by-law, municipally known as 249 Stone Church Road East;
  - (2.) That notwithstanding Section 10A(3)(iii) of By-law No. 6593, a rear yard of a depth of at least 5.0 m shall be provided and maintained for the building addition on Block "1";
  - (3.) That Section 4(3)(a) of By-law 6593 shall not apply;
  - (4.) That notwithstanding Section 18A, Table 1, 1.(g) of By-law No. 6593, a minimum of 73 parking spaces shall be provided and maintained;
  - (5.) That Section 18A(11) & (12) shall not apply to the most northerly lot line adjoining the parking area;
  - (6.) That notwithstanding Section 18A(25) of By-law No. 6593, the existing westerly access driveway on Stone Church Road East shall be permitted.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-913a, and that the subject lands on Zoning District Map E-18C be notated S-913a;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That By-law 83-165 be repealed.

NOTE: The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District modified (Block "1"), and for a further modification to the "DE" (Low Density Multiple Dwellings) District (Block "2"), for properties located at 249 Stone Church Road East and 1415 Upper Wellington Street.

The effect of the By-law is to permit the construction of a 3 storey, 12 unit addition to the existing senior citizens' residence (Blocks "1" & "2"), and to permit a two-family dwelling in the existing building on Block "1".

In addition, the by-law provides for the following variances as special requirements.

- (a) To permit a minimum rear yard of 5.0 to be provided and maintained for the building addition on Block "1" whereas a minimum rear yard of 7.5 m is required (Section 10A(3)(iii));
- (b) To permit two principal residential buildings on the lot (Section 4(3)(a));
- (c) To require a minimum of 73 parking spaces to be provided and maintained (Section 18A Table 1 1.(g));
- (d) To delete the requirement of a 1.5 m wide landscape planting strip along the most northerly lot line adjoining the parking area (Section 18A (11) & (12));
- (e) To permit the existing westerly access driveway on Stone Church Road East. (Section 18A(25)).

8. That approval be given to an amended Zoning Application 89-76, First Place Hamilton, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizen apartment building, for the property located at 206-210 Jackson Street East, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "E" (Multiple Dwellings, Lodges and Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
  - (i) That notwithstanding Section 11.(1), a senior citizens multiple dwelling containing a maximum of 29 units shall be permitted;
  - (ii) For purposes of this by-law, a senior citizens multiple dwelling means a multiple dwelling in which all residents are at least 60 years of age or older;
  - (iii) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 1.99.
  - (iv) That notwithstanding Section 18A.(1), Table 1, a minimum of 0.3 parking space for each Class "A" dwelling unit shall be required.

- (v) That notwithstanding Sections 18A.(1)(a) and (b), and 18A.(9), the required parking spaces shall be permitted to be located off-site on the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.
- (vi) That sections 18A.(11) and (12) shall not apply to the loading space.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1177, and that the subject lands on Zoning District Map E-5 be notated S-1177;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "High Density Apartments".
- (f) That the amending by-law not be passed by City Council until:
  - (i) The site plan has been approved by the Planning and Development Committee;
  - (ii) The applicant places a restrictive covenant on title to the satisfaction of the City's Solicitors Department respecting the shared parking arrangement; and,
  - (iii) The property be placed under the same ownership as the property located at the northeast corner of Jackson Street East and Ferguson Avenue South to the satisfaction to the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs. etc.) District for the property located at 206-210 Jackson Street East.

The effect of the by-law is to permit the development of the subject lands for a six storey, 29 unit, non-profit senior citizens apartment building.

In addition, the by-law provides for the following variances:

- (a) To permit a maximum floor area ratio of 1.99 instead of the by-law requirement of 1.7;

- (b) To permit a minimum of 9 parking spaces instead of the required 24 spaces;
- (c) To allow the required parking spaces to be located on the lands located at the northeast corner of Jackson Street East and Ferguson Avenue South; and,
- (d) To exempt the required loading space from the setback and landscaping requirements.

9. That approval be given to an amended Zoning Application 87-130, First Place Hamilton, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit the construction of a seven storey, 50 unit non-profit apartment building containing a day nursery for a maximum of 48 children on the ground floor, for the property located at the northeast corner of Jackson Street East and Ferguson Avenue South, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
  - (i) A multiple dwelling containing a maximum of 50 units shall be permitted;
  - (ii) That notwithstanding Section 11.(1), a day nursery for not more than 48 children shall be permitted in conjunction with the multiple dwelling;
  - (iii) That notwithstanding Section 11.(3)(i)(b), a front yard depth of at least 6.5 m shall be provided and maintained;
  - (iv) That notwithstanding Section 11.(3)(ii)(b), a westerly side yard of width of at least 0.8 m shall be provided and maintained;
  - (v) That notwithstanding Section 11.(5), the floor area ratio shall not exceed 2.34.

- \* (vi) That notwithstanding Section 18A.(1)(a), a minimum of 65 parking spaces shall be provided and maintained;
- (vii) That notwithstanding Section 18A(7), a raised curb (wheelstop) shall be permitted;
- (viii) That Sections 18A(11) and (12) shall not apply to the loading space.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1178, and that the subject lands on Zoning District Map E-5 be notated S-1178;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "High Density Apartments".
- (g) That the amending by-law not be passed by City Council until:
  - (i) The site plan has been approved by the Planning and Development Committee;
  - (ii) The applicant place a restrictive covenant on title to the satisfaction of the City Solicitors Department respecting the shared parking arrangement;
  - (iii) The property be placed under the same ownership as the property located at 206-210 Jackson Street East to the satisfaction of the City Solicitors Department; and,
  - (iv) The applicant place a warning clause on title as per CN's letter to the satisfaction of the City Solicitors Department.

NOTE: The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs), modified District (Block "1") and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") for the property located at the north-east corner of Jackson Street East and Ferguson Avenue South.

\* Section 9(b)(vi) amended to read:

*That notwithstanding Section 18A.(1)(a), a minimum of 63 parking spaces shall be provided and maintained;*

The effect of the by-law is to permit the development of the subject lands for a 7 storey, 50 unit non-profit multiple dwelling containing a day nursery for a maximum of 48 children on the ground floor.

In addition, the by-law will provide for the following variances:

- (a) To permit a day nursery having a maximum of 48 children within the apartment building whereas only 25 children would be permitted;
- (b) To permit a maximum floor area ratio of 2.34 whereas the by-law permits 1.7;
- (c) To permit a minimum westerly side yard of 0.8 m whereas the Zoning By-law requires 4.36 m;
- (d) To permit a minimum front yard of 6.5 m whereas the Zoning By-law requires 11.84 m;
- (e) To require a minimum of 63 parking spaces on-site whereas 48 are required;
- (f) To permit raised curbs within the parking space; and,
- (g) To exempt the loading space from setback, landscaping and buffering requirements.

10. That approval be given to City Initiative 89-E to provide for amendments to Zoning By-law No. 6593 respecting the regulations for establishments selling/repairing firearms, on the following basis:

- (a) That the following definition of a gun shop be added to Section 2(2)D of Zoning By-law No. 6593:

"(iia) "Gun shop" shall mean any building or premises that:

- 1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,

- 2. involves the purchase or sale of ammunition."

- (b) That Section 14(1)(xiv) of Zoning By-law No. 6593 be amended by deleting the words "gunsmith's or" in the sixth line;
- (c) That Section 13A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ixb) A gun shop;"

- (d) That Section 13B(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(l) A gun shop;"

- (e) That Section 13D(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(xvia) A gun shop;"

- (f) That Section 16(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(iva) A gun shop;"

- (g) That Section 16A(1) of Zoning By-law No. 6593 be amended by adding the following subsection:

"(ek) A gun shop;"

- (h) That Sections 17C(1)(c), 17D(1)(c), 17E(1)(c), 17F(1)(c), 17G(1)(c) of Zoning By-law No. 6593 be amended by adding the following to Table 4:

Identification Number	Use Not Prohibited	"District				
		M11	M12	M13	M14	M15
N/A	Gun Shop	X	X	X	X	X"

- (i) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special requirements for establishments selling/repairing firearms

- (12) Notwithstanding any provisions of this By-law, every gun shop shall comply with the following:

(a) Display

No window display of firearms shall be permitted.

(b) Location Requirement

A minimum radial separation distance of 300 m shall be provided from the lot line to the lot line of any school."

(j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(k) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for amendments to Zoning By-law No. 6593 to establish new regulations for establishments selling/repairing firearms.

The effect of the By-law is to establish a new definition of a gun shop as follows:

" Gun shop shall mean any building or premises that:

1. includes the purchase or sale, making, repair, alteration, modification or taking in pawn of firearms; or,
2. involves the purchase or sale of ammunition."

The By-law also permits gun shops in the following zoning districts only:

"G-1"	(Designed Shopping Centre) District
"G-2"	(Regional Shopping Centre) District
"G-4"	(Designed Neighbourhood Shopping Area) District
"J"	(Light and Limited Heavy Industry, etc.) District
"JJ"	(Restricted Light Industrial) District
"K"	(Heavy Industry, etc.) District
"KK"	(Restricted Heavy Industrial) District
"M-11"	(Prestige Industrial) District
"M-12"	(Prestige Industrial) District
"M-13"	(Prestige Industrial) District
"M-14"	(Prestige Industrial) District
"M-15"	(Prestige Industrial) District.

In addition, the By-law prohibits the window display of firearms and requires a minimum separation distance of 300 m (1,000 feet) between a gun shop and a school.

For the information of the members of City Council, the Planning and Development Committee have directed that the City Solicitor investigate and report back on possible methods which could be implemented by the City on control of the storage of gunpowder and ammunition.

11. (a) That approval be given to Official Plan Amendment No. 87 to modify Policy A.2.7.2 (Utilities) to clarify land use jurisdiction of lands designated "Utilities" in the Hamilton Harbour, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for approval.
- (b) That approval be given to City Initiative 90-B to provide for amendments to Zoning By-law No. 6593, as amended by By-law No. 83-239, respecting the proposed "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, applicable to the lands known as Piers 25 to 27 and Piers 10 to 14, as shown on the attached map marked as Appendix "H", on the following basis:
- (i) That By-laws 83-258 and 84-179 be repealed in their entirety;
  - (ii) That Section 2 of By-law No. 83-239 be amended by deleting the portion beginning with Section 12C - "F-3" District and Section 12D - "F-4" District in their entirety, and substituting the attached Appendix "I" therefor;
  - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 83-239, for presentation to City Council; and
  - (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed Official Plan amendment is to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour.

The purpose of the proposed By-law amendments is to clarify the intent of the "F-3" (Marine Transportation Services) District and "F-4" (Waterfront Services) District, with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters.

12. That leave be granted to introduce the following Bills:
- (a) Bill D-49 A By-law to adopt Official Plan Amendment No. 88 respecting lands located on the west side of Anchor Road, south of Stone Church Road East, within the Hannon North Neighbourhood.
  - (b) Bill D-50 A By-law to amend Zoning By-law No. 6593 and to repeal Zoning By-laws No. 88-267 and 89-326 respecting lands located at Municipal Nos. 25 Redmond Drive and 549 Stone Church Road East.

- (c) Bill D-51 A By-law to establish Site Plan Control respecting lands located on the north and south sides of Main Street West between Highway No. 403 and Queen Street South.
- (d) Bill D-52 A By-law to amend Zoning By-law No. 89-34 and Zoning By-law No. 6593 respecting land located at Municipal No. 12 Ray Street South.
- (e) Bill D-53 A By-law to designate as a Heritage Conservation District the area comprised of the block bounded by MacNab Street South, Bold Street, Charles Street and Hurst Place.
- (f) Bill D-54 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 88-135 respecting lands located at Municipal Nos. 1489 to 1545 Upper James Street.
- (g) Bill D-55 A By-law respecting land located at Municipal No. 203 Hess Street North.
- (h) Bill D-56 A By-law respecting land located at Municipal No. 205 Hess Street North.
- (i) Bill D-57 A By-law to adopt Official Plan Amendment No. 87 respecting lands designated Utilities in the Hamilton Harbour including Piers 10 to 14 and Piers 25 to 27 inclusive.
- (j) Bill D-58 A By-law to amend Zoning By-law No. 6593 and to repeal By-laws No. 83-239, 83-258 and 84-179 respecting "F-2", "F-3" and "F-4" Districts.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 May 2

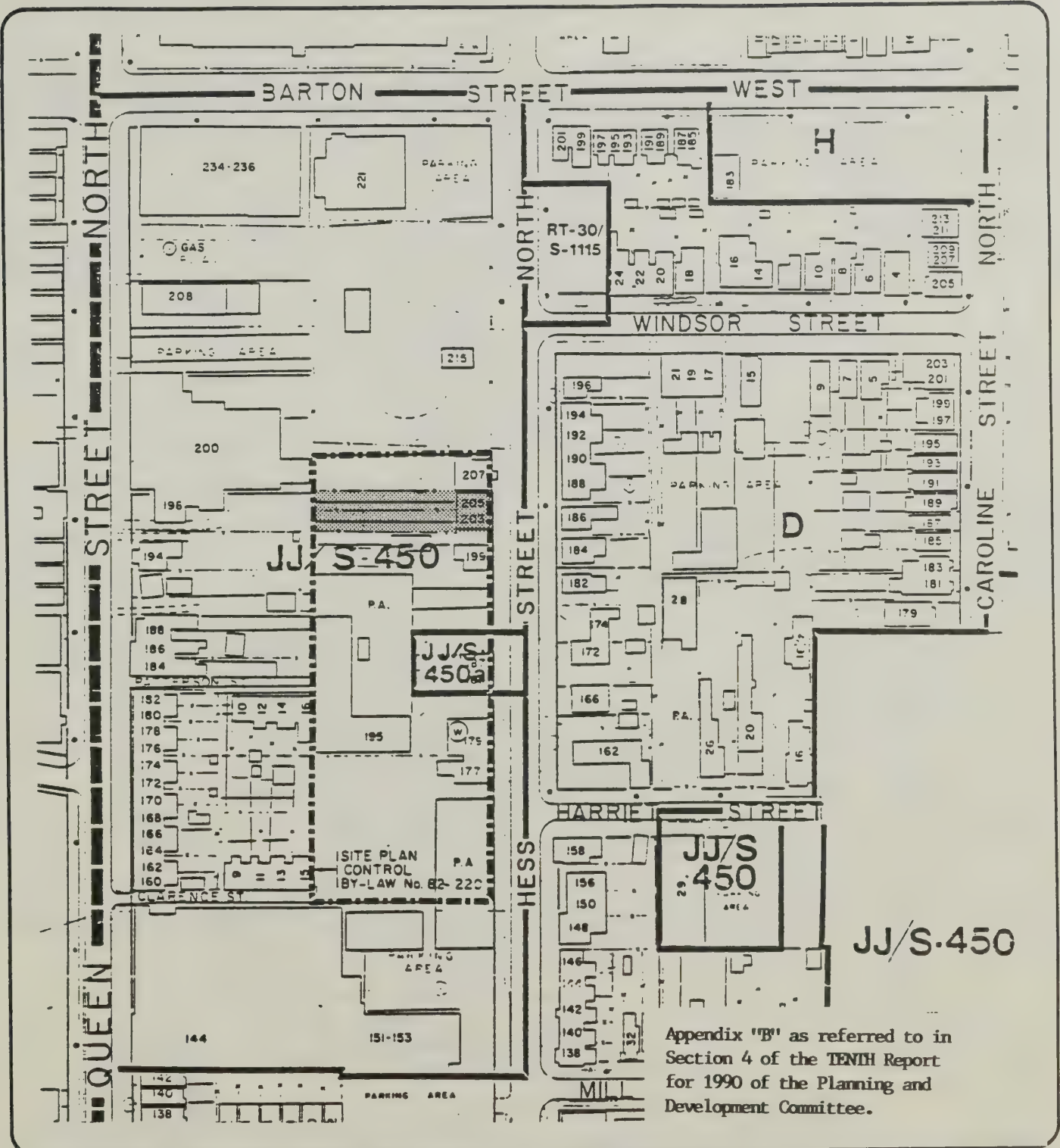
800-0610

**COMMERCIAL IMPROVEMENT PROGRAMME 1990**

<u>B.I.A.</u>	<u>ITEMS REQUESTED</u>	<u>COST</u>	<u>IMPLEMENTATION DATE</u>
Concession Street	-8 Bicycle Racks	\$ 3,000.	1991
	-2 Litter Containers and	800.	1990
	-1 year maintenance	760.	
Downtown Promenade	-Gazebo and	10,000.	1991
	-1 year maintenance	1,500.	
	-Gore Park Electrical Service Upgrade	14,000.	1991
	-Gore Park Lighting Upgrade	12,000.	1991
	-Streetsigns	7,500.	1991
International Village	-2 Litter Containers and	800.	1990
	-(1 year maintenance)	760.	
	-16 Planters	9,600.	1990-91
Jamesville	-Alleyway Lighting	3,400.	1990
Ottawa Street	-4 Concrete Benches	1,380.	1990
	-16 Large Planters	9,600.	1990
	-150 Plaques	5,000.	1990
	-Plaque installation	1,200.	1991
	-Secondary Lighting, switches & photocells	12,000.	1990
	-Tree, Conduit, Grate	1,000.	1990
Westdale	-10 Iron Wrought Benches and	6,600.	1990-91
	-1 year maintenance	900.	
	-3 Trees, Grates	3,000.	1990
	-4 Planters	2,400.	1990
	<b>SUB TOTAL</b>	<b>107,200.</b>	
	<b>20% CONTINGENCY</b>	<b>21,320.</b>	
	<b>10% ADMINISTRATION</b>	<b>10,660.</b>	
	<b>TOTAL:</b>	<b>139,940.</b>	
Main Street West*	-Streetscaping	375,000.	1990-91
	20% Contingency	75,000.	
	10% Adminstration	37,500.	
		<b>488,260.</b>	
1990 Total		<b>627,960.</b>	

\* Previously approved

Appendix "A" as referred to  
in Section 2 of the Tenth  
Report for 1990 of the Planning  
and Development Committee.



Appendix "B" as referred to in Section 4 of the Tenth Report for 1990 of the Planning and Development Committee.

# CITY OF HAMILTON

## APPENDIX "A" LOCATION MAP

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



Location of Subject Lands

North

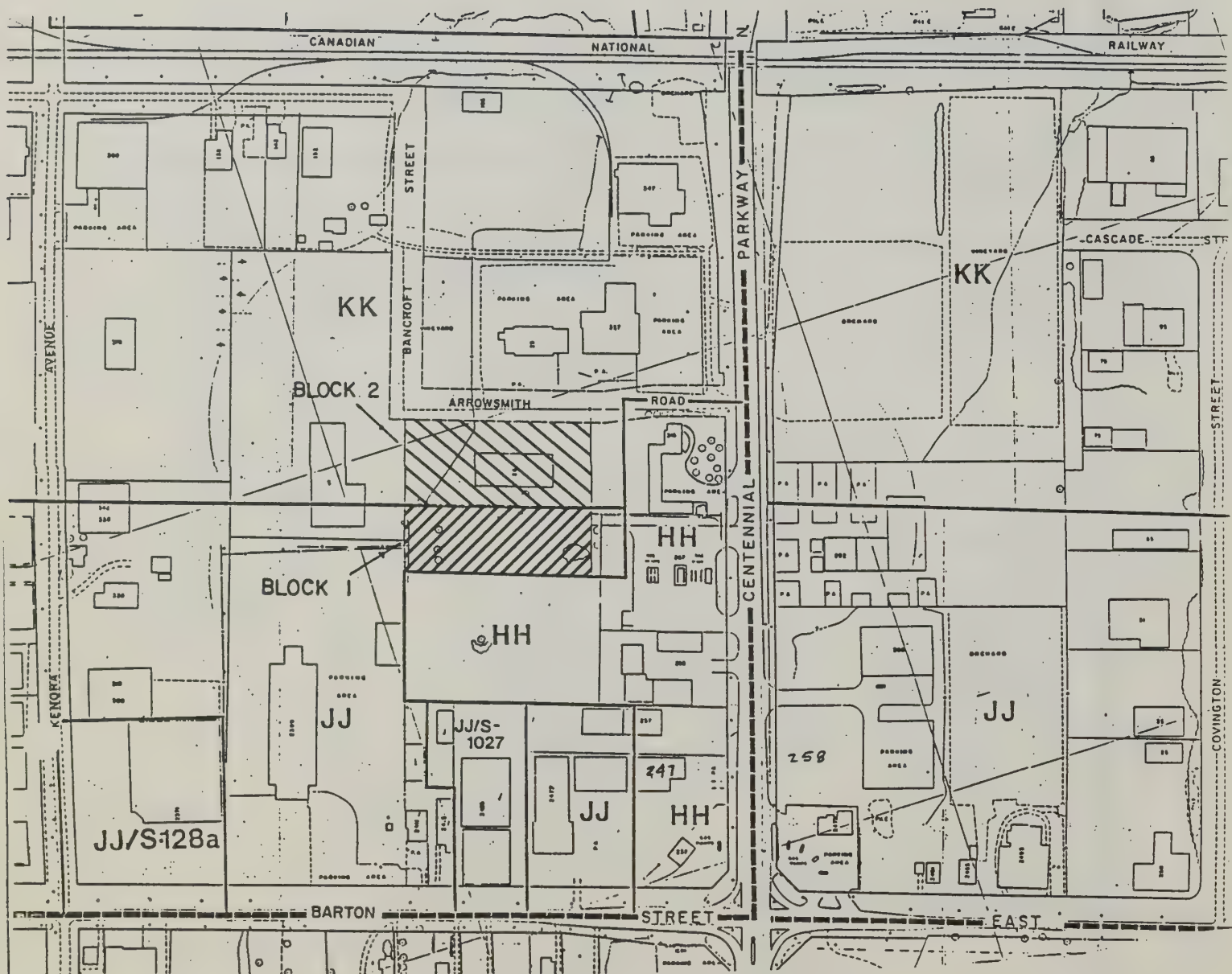


Scale  
NOT TO SCALE

Date  
February, 1990

Reference File No.  
CI - 90 - A

Drawn By  
L.B.



Appendix "C" as referred to in  
Section 5 of the Tenth Report  
for 1990 of the Planning and  
Development Committee.

### LEGEND

#### PROPOSED MODIFICATION TO THE

##### BLOCK 1



"JJ" (RESTRICTED LIGHT INDUSTRIAL) DISTRICT REGULATIONS.

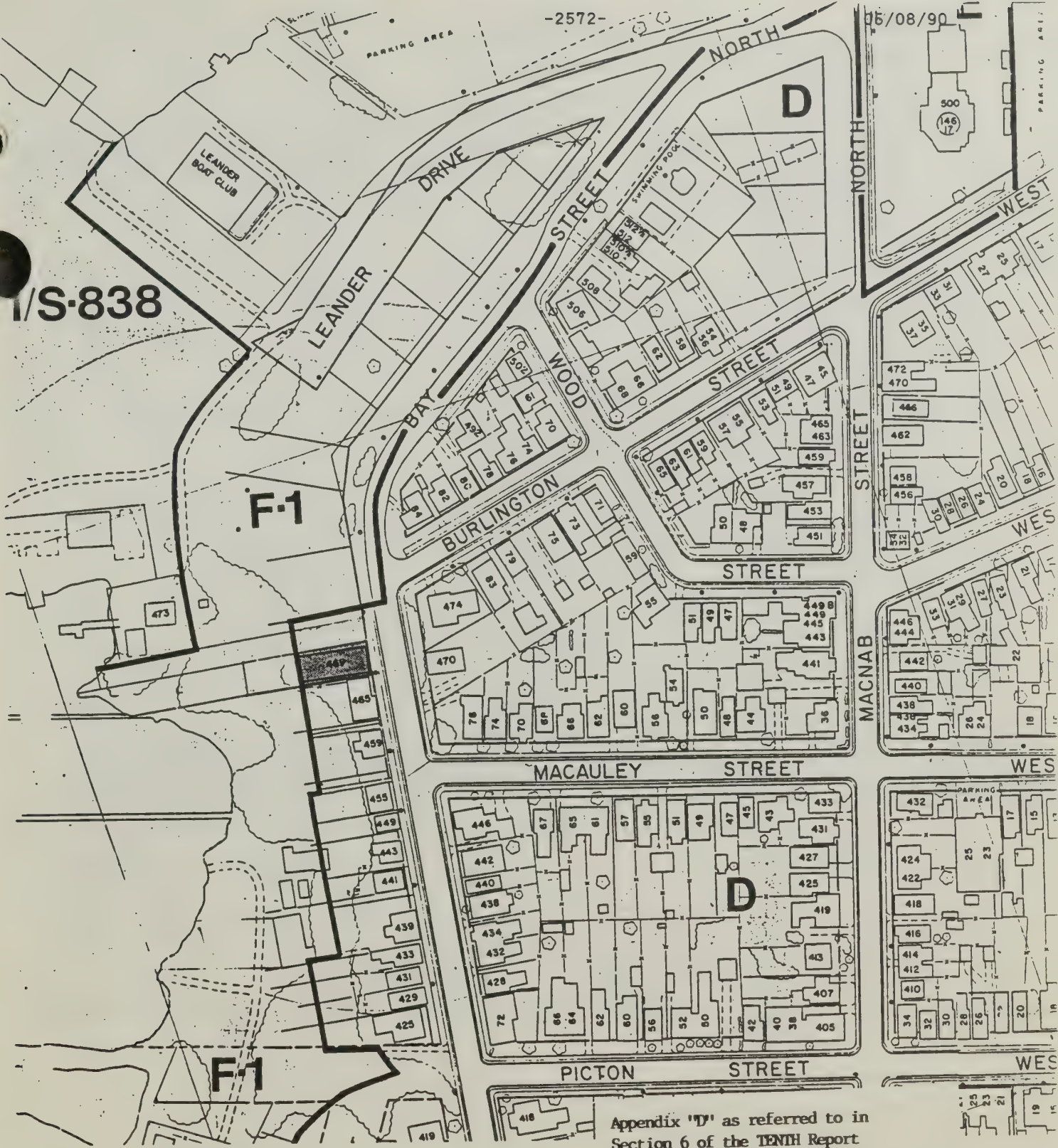
##### BLOCK 2



"KK" (RESTRICTED HEAVY INDUSTRIAL) DISTRICT REGULATIONS.



I/S-838

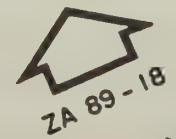


Legend

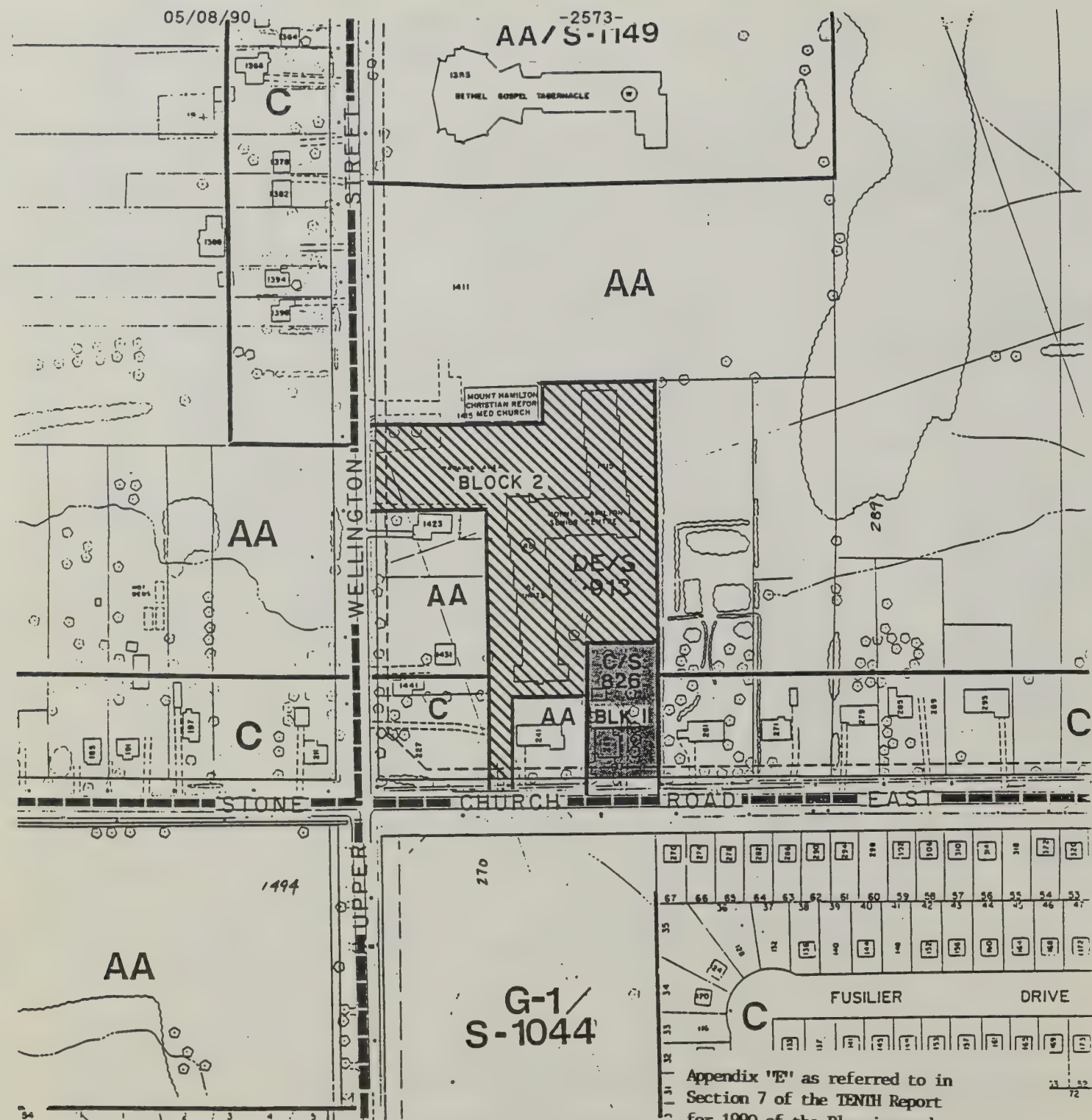


Site of the Application

Appendix 'D' as referred to in  
 Section 6 of the Tenth Report  
 for 1990 of the Planning and  
 Development Committee.



APPENDIX A



## LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGES ARE PROPOSED:

- BLOCK 1** CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED TO "DE" (MULTIPLE DWELLINGS) DISTRICT, MODIFIED.
- BLOCK 2** FURTHER MODIFICATION TO THE "DE" (MULTIPLE DWELLINGS) DISTRICT.

Appendix "E" as referred to in  
Section 7 of the TENTH Report  
for 1990 of the Planning and  
Development Committee.




APPENDIX A



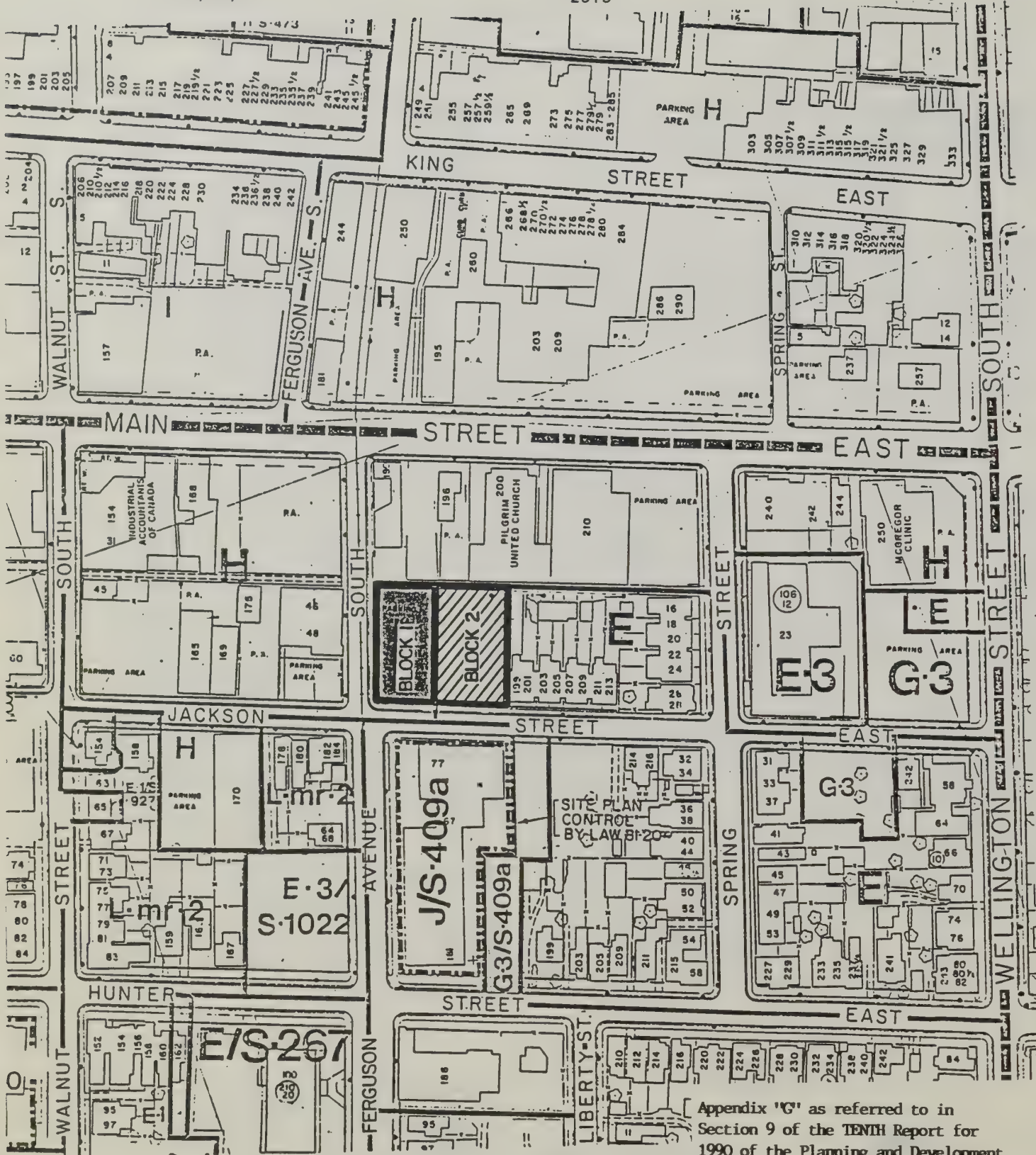
Appendix 'F' as referred to in  
Section 8 of the TENTH Report for  
1990 of the Planning and Development  
Committee.

# Legend

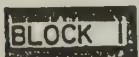
 Site of the Application

  
ZA 89-76

APPENDIX A



### LEGEND

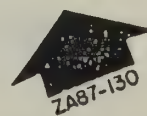


Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

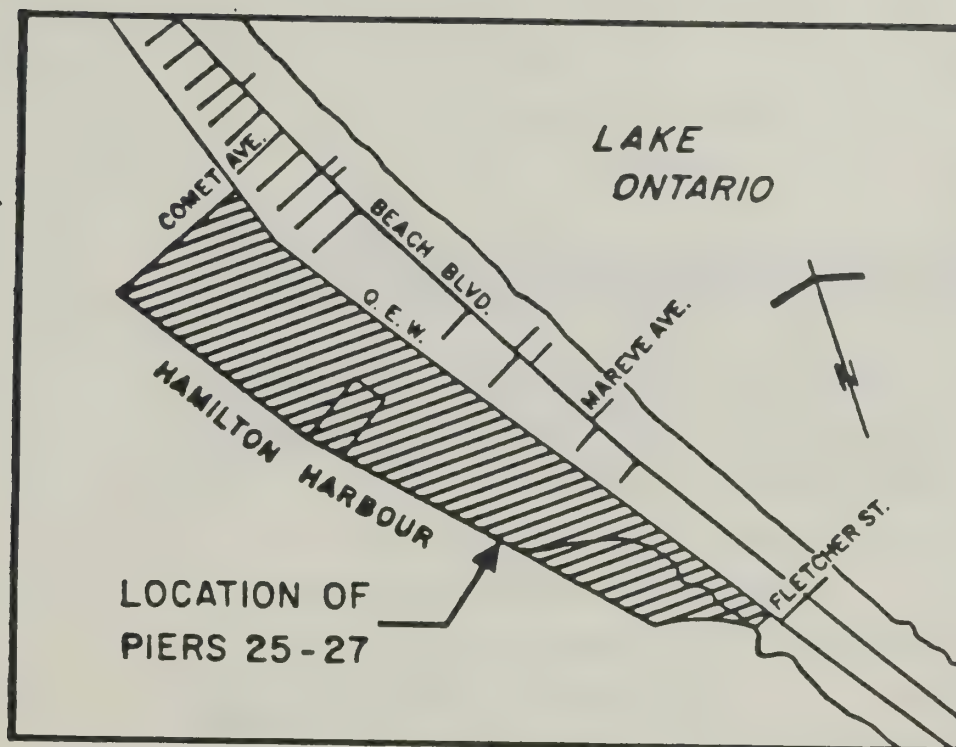


Modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

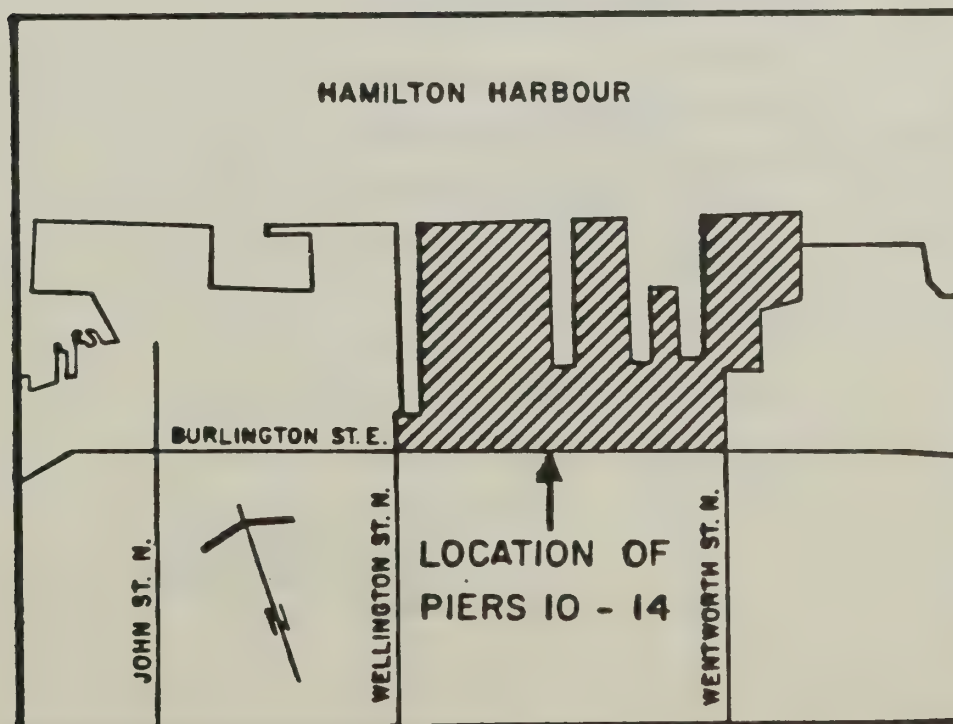
Appendix "G" as referred to in Section 9 of the Tenth Report for 1990 of the Planning and Development Committee.



APPENDIX A



Appendix "H" as referred to in  
Section 11 of the Tenth Report  
for 1990 of the Planning and  
Development Committee.



## SECTION 12C - "F-3" DISTRICT

(Harbour Use)

- 12C (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-3" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

- **A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted and include the following:**

## (a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

## (b) COMMERCIAL USES

	S.I.C. <u>Classification</u>
*1. Shipbuilding and Repair Industry	3271
*2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
*7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
*12. Marine Shipping Agencies Industry	4555
*13. Other Service Industries Incidental to Water Transport	4559

Appendix "T" as referred to in Section 11 of the TENTH Report for 1990 of the Planning and Development Committee.

- 2 -

**\* (c) OTHER USES**

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

**\*B. *In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:***

(a)	PUBLIC USES	S.I.C.
		<u>Classification</u>
	1. Labour Organizations	9841
(b)	COMMERCIAL USES	
	1. General Freight Trucking Industry	4561
	*2. Used Goods Moving and Storage Industry	4562
	3. Bulk Liquids Trucking Industry	4563
	4. Dry Bulk Materials Trucking Industry	4564
	*5. Forest Products Trucking Industry	4565
	*6. Other Truck Transport Industry	4569
	7. Freight Forwarding Industry	4592
	*8. Other Service Industries Incidental to Transportation, n.e.c.	4599
	*9. Grain Elevator Industry	4711
	*10. Refrigerated Warehousing Industry	4791
	*11. Other Storage and Warehousing Industries, n.e.c.	4799
	12. Other Products n.e.c., Wholesale limited to:	5999
	i) Ship Chandlers	
	13. Customs Broker	7794
	14. Restaurants, Licensed	9211
	15. Restaurants, Unlicensed	9212
	16. Take-Out Food Services	9213
	17. Caterers	9214
	18. Taverns, Bars and Night Clubs	9221

- 3 -

## (c) INDUSTRIAL USES

- |    |   |      |
|----|---|------|
| 1. | Cereal Grain Flour Industry                             | 1051 |
| 2. | Prepared Flour Mixes and Prepared Cereal Foods Industry | 1052 |
| 3. | Feed Industry   | 1053 |

## (d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

(2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

## (a) Height requirement:

1. No building or structure shall exceed 14.0 metres in height.

## (b) Area requirements:

1. There shall be provided and maintained upon the same lot or tract of land and within the F-3 District for every building or structure,
  - i) a front yard having a depth of not less than 6.0 metres;
  - ii) side yards having a width of not less than 10% of the greatest width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres;
  - iii) a rear yard having a depth of not less than 4.5 metres.

## (c) Intensity of Use requirements:

1. Every lot or tract of land shall have,
  - i) a lot width of not less than 30.0 metres;
  - ii) a lot area of not less than 1,100.0 square metres.

## (d) Lot Coverage requirement:

1. Lot coverage by all buildings and structures shall not exceed 60% of the lot area.

- 4 -

(e) Landscape requirements:

1. There shall be provided and maintained on the same lot or tract of land and within the "F-3" District,
  - i) a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;
  - ii) where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line;
  - iii) where the lot or tract of land abuts an "A" District, a landscaped area having a width or depth of not less than 7.5 metres along the full length of the lot line abutting the "A" District.

(f) Storage requirements:

1. No front yard shall be used for outside storage.
2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
3. No part of a side yard or rear yard used for outside storage shall be situate less than 6.0 metres from an abutting street line or from the boundary of an abutting "A" District.

(3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

## SECTION 12D - "F-4" DISTRICT

(Waterfront Services)

- 12D (1) Subject to the provisions of Sections 3, 18, 18A and 19, in an "F-4" District no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following:

**\*A. Without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or the Hamilton Harbour Commissioners acting within the scope of their lawful jurisdiction in respect of shipping and navigation matters, shipping and navigation uses are permitted and include the following:**

## (a) PUBLIC USES

1. Offices of the Hamilton Harbour Commissioners.

## (b) COMMERCIAL USES

	<u>S.I.C. Classification</u>
*1. Shipbuilding and Repair Industry	3271
*2. Boatbuilding and Repair Industry	3281
3. Freight and Passenger Water Transport Industry	4541
4. Ferry Industry	4542
5. Marine Towing Industry	4543
6. Ship Chartering Industry	4544
*7. Other Water Transport Industries	4549
8. Marine Cargo Handling Industry	4551
9. Harbour and Port Operation Industry	4552
10. Marine Salvage Industry	4553
11. Piloting Service, Water Transport Industry	4554
*12. Marine Shipping Agencies Industry	4555
*13. Other Service Industries Incidental to Water Transport	4559

- 2 -

\*(c) OTHER USES

Other bona fide shipping and navigation uses authorized by the Hamilton Harbour Commissioners Act or other valid federal legislation.

**\*B. *In respect of buildings, structures or land not used for bona fide purposes of shipping and navigation under Part A, the following uses are also permitted:***

(a)	PUBLIC USES	S.I.C. Classification
1.	Labour Organizations	9841
(b)	COMMERCIAL USES	
1.	General Freight Trucking Industry	4561
*2.	Used Goods Moving and Storage Industry	4562
3.	Bulk Liquids Trucking Industry	4563
4.	Dry Bulk Materials Trucking Industry	4564
*5.	Forest Products Trucking Industry	4565
*6.	Other Truck Transport Industry	4569
7.	Freight Forwarding Industry	4592
*8.	Other Service Industries Incidental to Transportation, n.e.c.	4599
*9.	Grain Elevator Industry	4711
*10.	Refrigerated Warehousing Industry	4791
*11.	Other Storage and Warehousing Industries, n.e.c.	4799
12.	Petroleum Products, Wholesale	5111
13.	Other Products n.e.c., Wholesale limited to:	5999
	i) Ship Chandlers	
14.	Customs Broker	7794
15.	Restaurants, Licensed	9211
16.	Restaurants, Unlicensed	9212
17.	Take-Out Food Services	9213
18.	Caterers	9214
19.	Taverns, Bars and Night Clubs	9221

- 3 -

## (c) INDUSTRIAL USES

1.	Cereal Grain Flour Industry	1051
2.	Prepared Flour Mixes and Prepared Cereal Foods Industry	1052
3.	Feed Industry	1053
4.	Vegetable Oil Mills (Except Corn oil)	1061
5.	Cane and Beet Sugar Industry	1081
6.	Chewing Gum Industry	1082
7.	Sugar and Chocolate Confectionary Industry	1083
8.	Tea and Coffee Industry	1091
9.	Dry Pasta Products Industry	1092
10.	Potato Chip, Pretzel and Popcorn Industry	1093
11.	Malt and Malt Flour Industry	1094
12.	Other Food Products Industries, n.e.c.	1099
13.	Soft Drink Industry	1111
14.	Distillery Products Industry	1121
15.	Brewery Products Industry	1131
16.	Wine Industry	1141
17.	Hydraulic Cement Industry	3521
18.	Redi-mix Concrete Industry	3551
19.	Other Petroleum and Coal Products Industry	3699

## (d) ACCESSORY USES

1. Accessory buildings, structures or uses.
2. Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate.

## \*(e) EXISTING USES

Any use existing as of July 31, 1984, except RESIDENTIAL USES.

- 4 -

- (2) Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE where not for the bona fide purposes of shipping and navigation, shall comply with the following:

(a) Height requirement:

1. No building or structure shall exceed 37.0 metres in height.

b) Lot Coverage requirements:

1. Subject to paragraph 2, lot coverage of all buildings and structures shall not exceed 85% of the lot area.
2. Where a side lot line or rear lot line abuts a residential district, no building or structure shall be situated nearer to any such side lot line or rear lot line than 4.5 metres.

- (3) Every sign referred to in subclause 2 of clause B.(d) shall comply with the following requirements:

1. No ground sign shall exceed 6.0 metres in vertical dimension.
2. No wall sign shall exceed 4.5 metres in vertical dimension.
3. No roof sign shall exceed 3.5 metres in vertical dimension.
4. The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 metres of the frontage on which the lot abuts.

**\*REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW**

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his SECOND Report for 1990 and respectfully recommends:

1. For the information of members of City Council, the following persons constitute the membership of the Mayor's Race Relations Committee for the duration of this Council's term of office:

Mayor Robert M. Morrow  
Co-Chairman

Professor Harish Jain  
Co-Chairman

Alderman Dominic Agostino  
Mrs. Evelyn Auchinvole  
Mr. Reynold Austin  
Mr. Smail Beckir  
Ms. Sharon Bonham  
Mr. Ivan Boyko  
Mr. Phillip Castrodale  
Mr. Tyrone Childs  
Mr. Walter Cooke  
Mr. Bill Delisser  
Mr. Carlton Glanville  
Ms. Doreen Johnson  
Rev. John Johnston  
Mr. Bashir Khan  
Mr. Phil Leon  
Mr. Phemon Ma  
Mr. Jesse John Malik  
Mr. Nuno Oliveira  
Mr. Leslie Pasis  
Mr. Santokh Singh Pooni  
Mrs. Helen Probert  
Mrs. Marjorie Ricketts  
Mr. Peter Shebib  
Mrs. Leonor Sorger  
Ms. Cathy Staats  
Mr. Ken Stone

Mr. Michael Sween  
Mr. Nirmal Takhar  
Ms. Marlene Thomas  
Mrs. Chai Chu Thompson  
Mrs. Bernadette Twal  
Mrs. Martha Wells  
Mr. Arthur Zemitis

2. For the information of members of City Council, the following persons serve as Staff/Resources for the Mayor's Race Relations Committee for the duration of this Council's term of office:

<u>City Hall and Region:</u>	Mr. Victor Abraham	- Planning
	Mr. Dennis Carson	- Mayor's Executive Asst.
	Mr. Alex Georgieff	- Planning
	Mr. Gary Ostofi	- Regional C.A.O.'s Office
	Mrs. Wendy Anderson	- Human Resources
	Mr. Bob Sugden	- Parks and Recreation

<u>Hamilton-Wentworth Regional Police:</u>	Inspector Tom Marlor
	Sergeant Jorge Lasso

<u>O.P.P.:</u>	Superintendent Spicer
	Attention: Constable Bill Lee

<u>R.C.M.P.:</u>	Inspector R.J. Watson
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<u>Race Relations Directorate</u>	Mr. Saleem Yacoub
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<u>Hamilton Board of Education</u>	Mr. Lee Beach
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<u>Hamilton Separate School Board</u>	Mr. Michael Webber
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3. For the information of members of City Council, the following persons constitute the Executive Committee of the Mayor's Race Relations Committee for the duration of this Council's term of office:

Co-Chairmen:

Mayor Robert M. Morrow

Professor Harish Jain

Members:

Mr. Jesse Malik

Mr. Nirmal Takhar

Mrs. Evelyn Auchinvole

Mr. Peter Shebib

Ms. Doreen Johnson

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow

Co-Chairman

Mayor's Race Relations Committee

Stella Glover  
Secretary

1990 April 27

- \* *Proposed motion to table the Report of His Worship Mayor Morrow until the notice of motion of Alderman Murray respecting the restructuring of the Mayor's Race Relations Committee is delt with was lost.  
Recorded vote, see page 2518  
Recorded vote to receive The Report Of His Worship Mayor Morrow, see page 2519*

MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, MAY 29, 1990  
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,  
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling,  
Gallagher, Murray.

ABSENT: Alderman Ross (Regional Business)

His Worship Mayor Robert M. Morrow called the meeting to order.

Father Joseph Fulop, St. Stephen's Hungarian Roman Catholic Church, led the Council in prayer.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) Wednesday, May 30, 1990 - "Fit Day"
- (b) Saturday, June 2, 1990 - "Als Flower Day"

\* \* \* \* \*

Presentation regarding proceeds from Special Events at Memorial Cup to The Greater Hamilton Food Bank.

\* \* \* \* \*

Silver pins were presented to members of the Hamilton Seekers Volleyball Club in recognition of winning the Ontario Bantam Volleyball Championships held in Hamilton on February 17, 1990.

\* \* \* \* \*

The minutes of the special meeting of May 3, 1990 and the regular meeting of May 8, 1990, were taken as read and approved.

\* \* \* \* \*

The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Resolution dated May 1, 1990, from Mr. Brian W. Knott, Solicitor/Clerk, The Corporation of the City of Chatham, P.O. Box 640, Chatham, Ontario, re "Use of Refillable Soft Drink Beverage Containers".  
**Referred to Transport and Environment Committee.**
2. Resolution dated May 7, 1990, from Mr. C. D. Weldon, Chief Administrative Officer, The Town of Richmond Hill, 266 Yonge Street, Toronto, Ontario, re "funding for municipal road improvements".  
**Referred to Finance and Administration Committee.**
3. Application dated May 8, 1990, from Buckingham York Ltd., 57 John Street South, Hamilton, Ontario, for a modification to the zoning of property located at 150-158 Catharine Street South. **Received.**
4. Application dated May 8, 1990, from Glenville Lionel Brewster and Dorothy Merline Brewster, 19 Holton Avenue South, Hamilton, Ontario, for a change in zoning of property located at 218-220 Maplewood Avenue.  
**Received.**
5. Application dated May 11, 1990, from Mintland Developments Inc., 27 Bowes Road, Unit 5, Concord, Ontario, for a change in zoning of property located at 252, 256, 260 and 262 Victoria Avenue North.  
**Received.**
6. Application dated May 15, 1990, from 789068 Ontario Ltd., (Dan Valentini), c/o P.O. Box 192, Hamilton, Ontario, for a modification to the zoning of property located at 89 Highland Road. **Received.**
7. Application dated May 16, 1990, from Christine Spera-Fazackerly, 267 Beach Road, Hamilton, Ontario, for a modification to the zoning of property located at 1 Mount Royal Avenue. **Received.**
8. Application dated May 22, 1990, from Malatesta Bros. Construction, 145 Reid Avenue South, Hamilton, Ontario, for a change in zoning of property located at 1461 Upper Gage Avenue. **Received.**
9. Application dated May 23, 1990, from Allan John Beattie, c/o 801 Mohawk Road West, Hamilton, Ontario, for a modification to the zoning of property located at 1280 Rymal Road East. **Received.**

10. Application dated May 24, 1990, from Hamilton Builders' Supply Ltd., Box 6026, Station "F", Hamilton, Ontario, for a modification to the zoning of property located at 164 Limeridge Road East. **Received.**
11. Letter dated May 18, 1990, from Mary Kaye Clarke, Chairman, the Board of Education for the City of Hamilton, 100 Main St. West, Hamilton, Ontario, re presentation of a "mock" invoice to the Provincial Government.  
**Received.**
12. Letter dated May 16, 1990, from Mrs. M. Gallagher, Secretary, Economic, Development and Planning Committee, The Regional Municipality of Hamilton-Wentworth, 119 King St. West, Hamilton, Ontario, re application to the Federation of Canadian Municipalities (F.C.M.) for financial assistance under the "Affordability and Choice Today" (A.C.T. program (PLA 90-55).  
**Received.**
13. Letter dated May 16, 1990, from Mrs. M. Gallagher, Secretary, Economic, Development and Planning Committee, The Regional Municipality of Hamilton-Wentworth, 119 King St. West, Hamilton, Ontario, re request by the City of Hamilton for the Region to endorse a request to the Ministry of Municipal Affairs regarding second stage of funding for the Central Business District Study.  
**Received.**

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Gallagher in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 16.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT.

\* \* \* \* \*

(A) FINANCE AND ADMINISTRATION COMMITTEE - EIGHTEENTH REPORT.

It was moved by Alderman Drury and seconded by Alderman Copps.

RESOLVED: that Subsections (b) and (c) of Section 14, dealing with the Wheelchair Accessible Taxicab Licences be amended by deleting the number "5" in the first line of Subsection (b), and the second line of Subsection (c), and inserting in lieu thereof the number "3".  
CARRIED.

\* \* \* \* \*

Recorded vote on Section 34. (Re: \$15,000.00 Grant to the  
Hamilton Minor Football  
Association).

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Murray. - 11.

NAYS: Aldermen Hinkley, Copps, Gallagher. - 3. CARRIED.

\* \* \* \* \*

Alderman Smith declared personal interest in, took no part in the debate, and refrained from voting on Section 35 which deals with the approval of a grant of \$400.00 to the Mount Hamilton Horticultural Society, as he is a member of the Mount Hamilton Horticultural Society.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: that Section 37 regarding the Fireworks By-law be referred back and, further, that Subsection (e) of of Section 43, reading as follows:

"(e) Bill A-35 - A By-law Respecting Fireworks."

be deleted. - CARRIED.

\* \* \* \* \*

Recorded vote on Section 40. (Re: \$25,000. Grant to  
the Cari Can  
Festival.)

YEAS: Mayor Morrow; Alderman Kiss, Agro, Hinkley, Drury,  
Agostino, Lombardo, Smith, Jackson, Merling,  
Murray. - 11.

NAYS: Aldermen Copps, Gallagher. - 2. CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman  
Cooke.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be  
invoked for this meeting of City Council in  
order to permit consideration of resolutions  
respecting:

- (a) the flying of the Philippine flag.
- (b) the use of City Hall facilities by  
the "It's Your Day" festival organizers.
- (c) the use of City Hall facilities by the  
Hamilton Street Railway.
- (d) the use of the Council Chamber for a  
Mayor's Reception and Proclamation. CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman  
Cooke.

RESOLVED: That the following be added as Section 44.

"44. That the request of the Philippine  
Community to fly the Philippine Flag  
at City Hall from 1990 June 12 to June  
18 inclusive, in recognition of the  
declaration of Philippine Independence,  
be approved." - CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that the following be added as Section 45.

"45. That the request of the 'It's Your Day' festival organizers for permission to use an area on the second floor of City Hall for a press conference on 1990, Friday, June 8 from approximately 4.00 p.m. to 5.00 p.m., be approved."

CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that the following be added as Section 46.

"46. That the request of the Hamilton Street Railway for permission to use the City Hall forecourt to display a transit shelter on 1990 June 11 from approximately 7.00 a.m. until 3.00 p.m. (during the Transportation Services Committee meeting), be approved."

CARRIED.

\* \* \* \* \*

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that the following be added as Section 47.

"47. That permission be granted for the use of the Council Chamber for a Mayor's reception and proclamation to declare June 13, 1990 "Sheila Copps Day" in the City of Hamilton.

CARRIED.

\* \* \* \* \*

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT.

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE - ELEVENTH REPORT.

It was moved by Alderman Murray and seconded by Alderman Merling.

RESOLVED: that Subsection (b) of Section 1 regarding the method of financing the \$34,000.00 for the International Children's Sports Games to be held in Uzhgorod, Ukraine, be amended by deleting from the second paragraph the words "The Finance and Administration Committee recommends".

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 14.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Recorded vote on Section 11. (Re: Trans-Northern  
Pipelines Inc. 16"  
Pipeline Located on  
Lands North of Mud  
Street through King's  
Forest Park.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Murray. - 13.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

It was moved by Alderman Murray and seconded by Alderman Gallagher.

RESOLVED: that Section 16 regarding an additional ice surface at the Mountain Arena Site be amended by adding at the end of the section:

"That unless the normal process of tendering needs reconsideration, that the emergency purchasing procedure be followed to approve the awarding of the contract, to be reported at the next regular meeting of Council."

CARRIED.

\* \* \* \* \*

It was moved by Alderman Agostino and seconded by Alderman Drury.

RESOLVED: that Section 19 regarding funding for the Wesley Urban Ministries - Victoria Park Community Centre, be referred back. -

YEAS: Aldermen Agro, Drury, Copps, Christopherson, Lombardo, Smith, Merling. - 7.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Agostino, Jackson, Gallagher. - 7. LOST.

\* \* \* \* \*

It was moved by Alderman Gallagher and seconded by Alderman Jackson.

RESOLVED: that the fourth paragraph of Section 19 regarding funding for the Wesley Urban Ministries - Victoria Park Community Centre, be amended by deleting the following:

"the Finance and Committee recommends",

and inserting in lieu thereof the words:

"The Treasurer recommends". - CARRIED.

\* \* \* \* \*

Recorded vote on the fourth paragraph of Section 19, as amended.

(Re: The Method of  
Financing the  
\$46,000. for the  
Wesley Urban  
Ministries -  
Victoria Park  
Community Centre.)

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Christopherson, Agostino, Jackson. - 6.

NAYS: Aldermen Agro, Hinkley, Drury, Copps, Lombardo, Smith, Gallagher, Murray. - 8. LOST.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the method of financing the \$46,000. grant to the Wesley Urban Ministries - Victoria Park Community Centre, be referred to the Finance and Administration Committee. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Murray. - 13.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

(D) PLANNING AND DEVELOPMENT COMMITTEE - ELEVENTH REPORT.

It was moved by Alderman Smith and seconded by Alderman Christopherson.

RESOLVED: that Section 2 regarding the issuance of demolition permits be amended to include the following:

"(d) 501 Rennie Avenue". - CARRIED.

\* \* \* \* \*

Recorded vote on Section 10. (Re: Relocation of a Pipeline Through King's Forest Park.)

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. - 11.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Recorded vote on Section 18.

(Re: Change in Zoning of  
Property Located at  
912 Rymal Road East.)

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Hinkley, Drury,  
Christopherson, Agostino, Lombardo, Smith, Jackson,  
Murray. - 11.

NAYS: Alderman Gallagher. - 1. CARRIED.

\* \* \* \* \*

(E) INFORMATION SYSTEMS COMMITTEE - THIRD REPORT.

It was moved by Alderman Agostino and seconded by Alderman Lombardo.

RESOLVED: that Section 5 regarding City Aldermen being provided with remote (dial-up) access to the Electronic Mail System (PROFS) be referred back. - CARRIED.

\* \* \* \* \*

(F) CITY OF HAMILTON LICENSING COMMITTEE - THIRD REPORT.

\* \* \* \* \*

NOTICE OF MOTION

Alderman Hinkley gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

- RESOLVED: (a) That the City Solicitor be directed to draft a by-law that provides for a fine of a maximum of \$10,000. on any person who, without obtaining the necessary approvals, removes a healthy tree from any public lands under the City's jurisdiction or control.
- (b) That no healthy tree shall be removed from any City public lands due to any proposed works without first receiving prior approval of the appropriate Standing Committee and City Council.

- (c) That the Planning and Development Committee be directed to include in all development applications a report on the number of healthy trees affected by the development and the measures recommended to protect, replace or mitigate against damage to existing trees.
- (d) Should any City Department Head, Supervisor or employee direct or be responsible for the removal of any healthy tree on public property without first receiving the required political approvals be subject to disciplinary action.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman D. Ross be appointed Acting Mayor for the month of June, 1990. CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-31, A-32, A-33, A-34, A-36,  
B-64, B-65, B-66, B-67,  
D-59, D-60, D-61, D-62, D-63, D-64, D-65, D-66, D-67.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Gallagher in the chair.

A-31, A-32, A-33, A-34, A-36,  
B-64, B-65, B-66, B-67,  
D-59, D-60, D-61, D-62, D-63, D-64, D-65, D-66, D-67.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted.-

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-31, A-32, A-33, A-34, A-36,  
B-64, B-65, B-66, B-67,  
D-59, D-60, D-61, D-62, D-63, D-64, D-65, D-66, D-67.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

City Council adjourned at 10.30 o'clock, p.m.

\* \* \* \* \*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its SEVENTEENTH Report for 1990 and respectfully recommends:

1. That in order to provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1 018 000, the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective January 1, 1991, subject to the Treasurer receiving the Actuarial Surplus position from the Actuaries as at December 31, 1989, of the HMRF and reporting back to the Finance and Administration Committee later in 1990.

NOTE: A costing was received from the Wyatt Co., Actuaries, for the Hamilton Municipal Retirement Fund. Based on implementation of the 60% Survivor's Benefit as the basic benefit in the Fund for all firefighters retiring after January 1, 1989, the cost is \$868 000.

By including retired firefighters in 1988, the liability increased to \$1 018 000. This would result in the HMRF being in an unfunded liability position of \$907 000.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 May 15  
/bc

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its EIGHTEENTH Report for 1990 and respectfully recommends:

1. That purchase orders be issued for the replacement of five (5) 1/2 ton pickup trucks for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tenders, as follows:

- (a) Carter G.M. Trucks, Hamilton

- In the amount of \$31 815.72 to replace Units #9312/3

- (b) Holland Chevrolet Oldsmobile Inc., Burlington

- In the amount of \$52 060.32 to replace Units #9027/8 and to purchase one new vehicle

NOTE: Lowest of three (3) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 (\$66 522.60) and Traffic Operating Account No. CH58002 75120 (\$17 353.44).

2. That a purchase order be issued to Contran Manufacturing (1982), London, in the amount of \$107 998 for the supply and installation of two (2) Fire Package bodies on two triple combination pumpers for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.

NOTE: Lowest of two (2) proposals received. Funds provided in Major Vehicle Repair Account No. CH25200 00103.

3. That permission be granted to the Y.W.C.A. to use the City Hall forecourt for their annual Strawberry Festival on Thursday, 1990 June 21 from 11:00 o'clock a.m. to 4:00 o'clock p.m. including the use of the following equipment:

- (a) City Van to transport tables to and from Y.W.C.A.

- (b) City Hall chairs

- (c) Sound system

- (d) Piano and extension cord

- (e) Approval to distribute information flyers through the City Hall building

4. That permission be granted to the Mass Media Committee of the United Way of Burlington, Hamilton-Wentworth to have a campaign thermometer erected in front of City Hall from 1990 September 12 to December 6 during the annual United Way Fund Raising Campaign.
5. That the request of the Hamilton Christian Fellowship for permission to use the City Hall forecourt and first floor washroom facilities for outdoor celebration and dance services on Friday, 1990 June 29 and Friday, 1990 July 27 from approximately 7:00 p.m. to 10:00 p.m., be approved.
6. That the request of the Korea Veterans Association of Canada to fly the national flag of the Republic of Korea at City Hall during the week of 1990 June 24 to June 30 in recognition of National Korea Week, be approved.
7. That the request of the Hamilton and District Labour Council C.L.C. to fly the C.L.C. flag at City Hall during the week of 1990 September 3 to September 7 in recognition of Union Label Buying Week, be approved.
8. That civic gold pins and civic gold rings be awarded to the following members of the Mountain Lanes Junior Boys Five-Pin Bowling Team for winning the Provincial Championship on 1990 March 18 and the National Championship in Thunder Bay, Ontario, on 1990 May 1:

Drew Arnold  
Mark Masters  
Martin Taylor  
Brock Hill  
Michael Zajac  
Larry Bixby - Coach

9. (a) That civic gold rings and civic gold pins be awarded to the following members of the Hamilton Zone "E" Mixed Five-Pin Bowling Team for winning the 1990 Canadian Youth Challenge Tournament and the 1990 Ontario Youth Challenge Mixed Team Championships:

Tim Biggs  
Scott Hill  
Darryl Holditch  
Chrystine Pilon  
Stephanie Tuck  
Connie Dreher - Coach

- (b) That civic gold pins be awarded to the following members of the Hamilton Zone "E" Men's Five-Pin Bowling Team for winning the 1990 Ontario Youth Challenge held in Orillia, Ontario on 1990 April 7:

Doug Denbury  
Brian Labelle  
Paul Harse  
Bob Jones  
Brent Flynn  
Rob Ward - Coach

10. That a civic silver pin be awarded to Theresa Wolf for winning the Ontario Elite Gymnastics Championship held in Whitby, Ontario on 1990 April 20-22.
11. That permission be granted to the Canusa Games Directors to set up and sell from a display of fundraising items (T-Shirts, Sweatshirts and Jammers) on the second floor concourse level, Hamilton City Hall on Wednesday, 1990 May 30 from 9:00 o'clock a.m. to 5:00 o'clock p.m. to raise money for the 1990 Canusa Games.

NOTE: In order to raise the necessary monies required to send our athletes to Flint, Michigan this year, the Canusa Games Directors find it necessary to fundraise to offset the increasing costs of the annual Games.

This event would be held the same day as Fit Day, and give additional exposure to the Canusa Games.

12. (a) That approval be given to establish a Fit Day Headquarter outside the Aldermen's offices (east side) for a display from 1990 May 25 to May 31; and,
- (b) That approval be given to use Room 264 for the day of 1990 May 30, Fit Day, from 8:00 a.m. to 10:00 p.m.
13. (a) That Section 16 (a)i of Market By-law 81-180 be amended to allow the extension of hours for unloading produce on non-market days from 2:00 p.m. until 5:00 p.m. instead of 3:00 p.m. to 5:00 p.m.; and,
- (b) That the City Solicitor be directed to prepare an amendment to Section 16 (a)i of Market By-law 81-180 to reflect this extension of hours.

14. (a) That a special class of Wheelchair Accessible Integrated Taxicab licence be created;
- \* (b) That five (5) special Wheelchair Accessible Integrated Taxicab licences be authorized for issuance through the City's Taxicab Priority List;
- \*\* (c) That Section 3. (d) of Part I of By-law 89-249 respecting the issuance of 5 Taxicab Owner licenses for 1990 be repealed;
- (d) That special terms and conditions, as attached herewith and marked Appendix "A", be approved for this special class of licence; and,
- (e) That the City Solicitor be directed to prepare the necessary amendments to By-law 89-249.

NOTE: This special class of licence would be reduced from a regular licence fee of \$3 000 to \$250. The annual renewal fee would remain consistent with regular licences at \$175 (1990 rate).

15. (a) That the City Treasurer arrange to publish on one occasion the required 1989 financial statements, based on the audited report, in The Hamilton Spectator as soon as possible and in accordance with regulation provided by the Ministry of Municipal Affairs, but in any event, within sixty days of receiving the audited statements according to a regulation of the Ministry of Municipal Affairs; and,
- (b) That selected statements of the 1989 audited Financial Report be printed in brochure type report form for distribution to banks, other financial institutions and other interested parties.

NOTE: For the information of the Members of City Council, the Finance and Administration Committee heard a presentation from the City's Auditor, Pannell Kerr MacGillivray, and adopted the 1989 Financial Report. Copies of this Report have been sent to all Members of City Council for their information.

16. That the total 1989 current fund overdrafts for amounts in excess of \$5 000 in the amount of \$2 561 593.74, which have originated during 1989 November and December, and are itemized as attached herewith and marked Appendix "B", be approved.

\* *Section 1(b) amended to read:*

*That three (3) special Wheelchair Accessible Integrated Taxicab licences be authorized for issuance through the City's Taxicab Priority List;*

\*\* *Section 1(c) amended to read:*

*That Section 3. (d) of Part I of By-law 89-249 respecting the issuance of 3 Taxicab Owner licences for 1990 be repealed;*

17. (a) That the City Solicitor be authorized to make an application to the Ontario Municipal Board for approval of the Crown Point West/Stipeley Phase II P.R.I.D.E. Program at a gross cost of \$700 000 with 50% funding in the amount of \$350 000 to be provided by the issuance of debentures not to exceed 20 years, recoverable from the mill rate levied on all rateable property; and,  
  
(b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$350 000 for a term not to exceed 20 years; and,  
  
(c) That the interim funding of \$50 000 from the Reserve for Capital Projects previously approved for the above project be rescinded (Item 4(b) of the Eleventh Report of the Co-ordinating Committee adopted by City Council 1990 May 30).
18. That the Chief Administrative Officer be authorized to take the actions necessary to assemble the Project Team for the replacement Property/Taxation System as approved by the Information Systems Committee in Section 1 of its Third Report for 1990 being presented to City Council on 1990 May 29.
19. That outstanding Accounts Receivables and Civic Properties Rental Arrears totalling \$18 931.86 be written off and charged to Account No. CH 15401 00001, Allowance for Doubtful Accounts.

NOTE: Copies of the Schedules listing the recommended write-offs were distributed to Members of the Finance and Administration Committee. Additional copies are available from the Committee Secretary upon request.

20. That an amount of \$500 be made available from Account No. CH55307 80040, Hosting of Conferences with Municipal Subject Content, for the purpose of extending hospitality to delegates attending the 1990 National Safety Conference with a view to promoting attendance at the 1991 Conference which will be held in Hamilton.

NOTE: City Council at its meeting held 1990 February 27 authorized the attendance of the Chairman or his designate at this year's Conference which is being held in Halifax, Nova Scotia 1990 June 3 - 5. (Alderman Drury will be attending as the Chairman's designate).

21. That a grant in the amount of \$700 be made to the Hamilton Public Library to assist in the hosting of the 7th Annual Meeting of the North American Dobis Users Group, and in particular, to assist in the hosting of a Civic Luncheon to be held on Friday, 1990 June 1.

NOTE: Funds are provided in Account No. CH 55307 80040, Hosting of Conferences with Municipal Subject Content.

22. That a grant in the amount of \$5 000 be made to the Ontario Building Officials Association to assist in staging and hosting the Ontario Building Officials Association annual meeting and technical conference to be held in Hamilton on 1990 June 24 to 29.

NOTE: The conference is jointly sponsored by the Ontario Building Officials Association (O.B.O.A.) and the Building Officials and Code Administrators (B.O.C.A.) and will include meetings of the World Organization of Building Officials (W.O.B.O.) and the Canadian Council of Building Officials (C.C.B.O.).

Funds are provided in the Hosting of Conferences with Municipal Subject Content, Account No. CH55307 80040.

23. That expenses, at an amount not to exceed \$3 450, associated with promoting the Institutional and Municipal Parking Congress Convention for Hamilton within the next four to six years, and to assist with the promotion of the Canadian Parking Association Convention which is already occurring in Hamilton in the Fall of 1991, be approved.

NOTE: Funds are provided in the Hosting of Conferences with Municipal Subject Content, Account No. CH55307 80040.

24. For the information of Members of City Council, the Finance and Administration Committee have appointed a Street Vendors Sub-Committee to examine all aspects of the Street Vendors Programme and report back. The Sub-Committee will be comprised of Alderman Merling, Alderman Murray and up to five (5) representatives from the Downtown B.I.A.

25. (a) That an Option to Purchase the property known as 263 King Street West, duly executed by Hess Village Variety Limited, Mr. Ercument Akyildiz, President, on 1990 April 19 and scheduled for closing on or before 1990 July 20, be approved and completed.
- (b) That the appropriate City officials execute all required documents.

NOTE: The property is composed of part of Lot 6, fronting on King Street West in the block bounded by Caroline Street South, King Street West, Hess and George Streets, according to G.S. Tiffany Survey, municipally known as 263 King Street West, being a rectangular shaped parcel of land, having a frontage on the south side of King Street West of 21.235 metres (69.67 feet) and comprising an area of 508.79 square metres (5 476.5 square feet) more or less, more particularly described as Part 1, Registered Plan 62R-5660 and Part 1, Registered Plan 62R-5833, outlined on the attached plan, save and except Parts 1 and 2 on Reference Plan 62R-9352, conveyed to the Regional Municipality of Hamilton-Wentworth by Instrument No. 449302 CD.

The purchase price of \$300 000 is to be charged to Account No. CH5X303 00202, Reserve for Off Street Parking.

26. That the 1990 rates of pay for the positions of Playlot Leader, Camp Counsellor, Tennis Instructor and Youth Leader be set at:

- (a) Step 1 - \$6.00 per hour
- (b) Step 2 - \$6.15 per hour
- (c) Step 3 - \$6.30 per hour

NOTE: These amounts will be funded within the 1990 Operating Budgets of the Culture and Recreation Department.

27. That the salary classifications for the following non-union positions within the Parks Division of the Department of Public Works be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Parks Development Co-ordinator	Co-ordinates the Parks Development section. Prepares and presents technical reports, studies, plans, policies and by-laws.	I	\$49,972.52 - \$58,883.24
Supervisor of Landscape Development	Supervises the construction of parks development and re- development.	M	\$36,125.44 - \$42,507.40

NOTE: The salaries for the two positions can be accommodated from within the existing budget for the Department of Public Works.

28. That the salary classifications for the following positions in the Traffic Department be approved as outlined below:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Manager of Legislation and School Traffic	To manage the Legislative and School Traffic sections of the Traffic Department.	J	\$47,805. - \$56,355.

NOTE: The above salary grade is temporarily assigned, until such time as the Director of Traffic and the Chief Administrative Officer have assessed the integration of the school crossing program into the Traffic Department.

School Crossing Co-ordinator	To manage the day-to-day operations of the school crossing program.	M	\$36,125 - \$42,507.
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NOTE: Funding for these positions is provided within the Traffic Department Budget.

29. (a) That the benefit package for Hamilton City Council Members be updated to include the increased benefits approved for employees covered by the Collective Agreement entered into by The Corporation of the City of Hamilton and Local 167, C.U.P.E.; and,
- (b) That in the future, when an enhanced benefit package is approved by City Council for Local 167, C.U.P.E., those enhanced benefits shall be automatically passed on to Hamilton City Council Members, provided that such benefits are allowed to Hamilton City Council Members under the terms of the plans.

NOTE: There are no financial implications in 1990, due to the fact that we are on an Administrative Services Only program. This Administrative Services Only program is experience rated and the costs are distributed evenly over all employees.

30. That the City of Hamilton endorse the following resolution of the City of Brampton respecting door-to-door mail delivery:

"That the City of Brampton only accept door-to-door mail delivery and we reject all other forms of mail pickup and this resolution be circulated to all communities over 25,000 population and to our local M.P.'s John McDermid and Harry Chadwick."

31. That the City of Hamilton endorse the following resolution of the County of Oxford respecting retroactivity on the Employer Health Tax:

"Whereas labour negotiations in essential services are often settled through arbitration.

Whereas such Arbitration Awards are not always made during the current fiscal year resulting in retroactivity on wages.

Whereas the Employer Health Tax became effective January 1, 1990.

Therefore, be it resolved that the Ministry of Revenue be petitioned to waive the Employer Health Tax Assessment on retroactive wages for the years prior to January 1, 1990."

32. (a) That the City of Hamilton provide \$800 towards the cost of a joint reception with the Board of the Hamilton Philharmonic Orchestra; and
- (b) That funds be provided from the Unclassified Account No. CH55194 24201.
33. (a) That the previously tabled grants, as attached herewith and marked Appendix "C", with a total recommended grant amount of \$57 020 be approved; and,
- (b) That these grants be funded from within the appropriate Grant Account No. CH5AXXX 200XX.
- \* 34. (a) That a grant in the amount of \$15 000 be made to the Hamilton Minor Football Association; and,
- (b) That funds for this grant be provided from an approved overdraft in the appropriate Grant Accounts No. CH5AXXX 200XX.
35. (a) That a grant in the amount of \$400 be made to the Mount Hamilton Horticultural Society; and,
- (b) That funds for this grant be provided from the appropriate Grant Accounts No. CH5AXXX 200XX.

\* Recorded vote, see page 2590

36. That the "Rapid Zap" Defibrillation program submitted in the 1990 Current Budget service/program package be approved.

NOTE: To place twelve of these units into service, \$116 000 is required in 1990. Funds are available within the 1990 Fire Department budget as a result of an unanticipated delay in hiring of additional approved staff. An annual operating budget of approximately \$20 000 (including a provision for replacement) is anticipated commencing in 1991.

- \* 37. That the City Solicitor be authorized and directed to apply to the Chief Judge of Ontario for set fines to enable the City to issue offence notices (tickets) for contravention of the Fireworks By-law.

NOTE: The Fireworks By-law is being presented to City Council for approval at its meeting of 1990 May 29.

38. That the request of Amnesty International, Hamilton Group, for permission to use the City Hall forecourt and first floor washroom facilities on Saturday, 1990 June 16 from approximately 10:30 a.m. to 12:30 noon for a public rally to protest human rights abuses in China, be approved.

39. (a) That approval be given to Don Cherry's Grapevine to rent space and construct a temporary summer patio on the south-west corner of the municipal carpark at Main and Ferguson Streets; and,
- (b) That an agreement for this approval be made to the satisfaction of the City Solicitor.

NOTE: The proposed temporary summer patio will be placed on City property not containing any parking spaces. The Parking Authority, at its meeting held 1990 May 18, approved the above-noted patio request.

- \*\* 40. (a) That a one time only grant in the amount of \$25 000 be given to the Cari-Can Festival to assist in offsetting their deficit; and,
- (b) That funds for this grant be provided from an approved overdraft in the appropriate Grant Accounts No. CH5AXXX 200XX.

\* Section 37 referred back

\*\* Recorded vote, see page 2591

41. That the City make an offer to settle Supreme Court action 6507/89 in the following terms:
- (a) That the City offer to pay the Plaintiff the sum of \$35 331.64 inclusive of interest and costs.
  - (b) That the offer to settle remain open for acceptance until withdrawn or until the commencement of trial whichever first occurs.
42. That the City make an offer to settle Supreme Court action number 3080/87 in the following terms:
- (a) That the City pay \$4 500 for damages;
  - (b) That the City pay pre-judgment interest on the said sum to the time of acceptance of the offer;
  - (c) That the City pay the Plaintiff's party and party costs to be taxed;
  - (d) That the City pay \$500 to all Family Law Act claimants;
  - (e) That this offer be open to the commencement of trial.
43. That leave be granted to introduce the following Bills:
- (a) Bill A-31 A By-law to Amend Procedural By-law No. 82-203, as amended and To Repeal By-law No. 79-86, as amended Respecting Hearings by Committees of Council.
  - (b) Bill A-32 A By-law Respecting Designation of "Head" for the Purposes of The Municipal Freedom of Information and Protection of Privacy Act, 1989.
  - (c) Bill A-33 A By-law Respecting Assumption of Legal Costs City of Hamilton vs. Baldasaro et al.
  - (d) Bill A-34 A By-law to Amend Market By-law No. 81-180.
  - \* (e) Bill A-35 A By-law Respecting Fireworks.

\* *Section 43(e) deleted by City Council.*

(f) Bill A-36 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

- \* 44. That the request of the Philippine Community to fly the Philippine Flag at City Hall from 1990 June 12 to June 18 inclusive in recognition of the declaration of Philippine Independence, be approved.
- \* 45. That the request of the "It's Your Day" festival organizers for permission to use an area on the second floor of City Hall for a press conference on 1990, Friday, June 8 from approximately 4:00 p.m. to 5:00 p.m., be approved.
- \* 46. That the request of the Hamilton Street Railway for permission to use the City hall forecourt to display a transit shelter on 1990 June 11 from approximately 7:00 a.m. until 3:00 p.m. (during the Transportation Services Committee meeting), be approved.

NOTE: This display will be staffed at all times by a representative of the manufacturing company.

- \* 47. That permission be granted for the use of the Council Chambers for a Mayor's reception and proclamation to declare 1990 June 13 as "Sheila Cops Day" in the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder  
Acting Secretary  
1990 May 24  
/bc

\* Sections 44,45,46 & 47 added during Council

Wheelchair Accessible Taxicab Licences would be subject to the conditions and requirements as outlined below.

- (1) The authorized vehicle be required to be specially equipped for their purpose and in accordance with the provincial and C.S.A. specifications.
- (2) Minimum two wheelchair and maximum three ambulatory passengers requirement, excluding driver.
- (3) Taxi meter rates would be used.
- (4) An initial licence fee of \$250.00 (currently \$3,000.00) would be charged.
- (5) Annual licence renewal fee: \$175.00 (1990) would remain the same.
- (6) Applicants must comply with all provisions of By-law 89-249, including the provisions required under the Taxicab Priority List.
- (7) Requirement for non-transferability to remain at 5 years and can only be sold as Wheelchair Accessible Taxicab. The applicant and any subsequent owners must agree to continue service for the disabled in accordance with the proposed by-law.
- (8) Leasing would be permitted.
- (9) Specified hours of operation are proposed for a 7-day week: 6:00 a.m. - 1:30 a.m. Monday through Saturday and 7:30 a.m. - 12:00 p.m. Sunday.
- (10) Annual special safety inspection over and above regular taxicab inspection.
- (11) Special Taxicab Dispatch requirements would be mandatory for any brokerage.
- (12) Special Taxicab Driver training requirements.
- (13) Priority Service to disabled must be included in the proposed by-law.
- (14) The applicant with this "Special Class" of licence would be required to operate a fully integrated wheelchair accessible vehicle; failing to do so, the licence would be required to be returned to the City.

**SPECIAL REGULATIONS FOR ISSUANCE FROM THE TAXICAB PRIORITY LIST**

- (a) Applicants would be notified to perfect their application in the order in which their name appears on the Taxicab Priority List.
- (b) Any applicant not wishing to submit an application for consideration would be bypassed and his/her name would be left in its present position.
- (c) Successful applicants would be required to put all necessary equipment in service within 8 weeks from the date of approval by the City of Hamilton Licensing Committee. Applicants must agree to provide authenticated proof from the manufacturer or deliverer of any delay in delivery.
- (d) That there be an mechanism for applicants to return the licence to the City and have his/her name restored to the Taxicab Priority List following a 2-year trial period. The return of a licence would be permitted under certain circumstances, such as a medical condition which would not allow the licensee to continue or financial hardship.

Appendix "B" as referred to in  
Section 16 of the EIGHTEENTH Report  
of the Finance and Administration  
Committee for 1990.

City of Hamilton  
Treasury  
Overdrafts over \$5,000  
to be authorized by City Council  
for the year ended 1989

DEPARTMENT (1)	ACCOUNT NUMBER (2A)	CENTRE NUMBER (2B)	DESCRIPTION (3)	APPROPRIATION (4)	EXPENDITURES (5)	OVERDRAFT (6)	REQUEST FOR OVERDRAFT APPROVAL (7)	EXPLANATION (8)
Mayor's Office	56128	10001	Mementoes	30,000.00	43,654.34	(13,654.34)	(13,654.34)	Increase gifts & mementoes for VIP's, convention promotion requests, association events & "Goodwill Ambassadors" travelling abroad
City Clerks-Administration	56004	12001	Postage	34,400.00	53,252.95	(18,852.95)		High & zoning circulars & registered mailings
	56302	12001	Advertising & Promotion	68,610.00	92,227.68	(23,617.68)	(42,470.63)	Advertising of zoning by-laws over estimate
Transfer to Reserves	54115	23001	Accumulated Sick Leave	700,000.00	1,049,292.80	(349,292.80)		More early retirements than anticipated
	54118	23001	Workers' Compensation	665,740.00	1,001,888.98	(336,148.98)	(685,441.78)	WC8 costs are rising; accounts realigned
Tax Remissions		24104	Total Activity	1,274,140.00	1,742,058.59	(467,918.59)	(467,918.59)	More activity than anticipated
Reduced Fare Bus Pass		24150	Total Activity	3,483,570.00	3,566,364.74	(82,794.74)	(82,794.74)	Seniors \$8K+; Group A \$34K+; Convey Pass \$40K+
Unclassified Expenditure		24200	Total Activity	75,000.00	80,638.63	(5,638.63)	(5,638.63)	Various underestimated requirements
Treasury-Taxation	56001	25335	Office Supplies	36,760.00	47,670.55	(10,910.55)	(10,910.55)	Underestimated requirements-purch of tax bills
Info Sys-Processing	56103	26020	Operating Supplies	93,900.00	103,325.13	(9,425.13)		Incr'd print line volume-recovery from users
	56605	26020	Rent-Computer Equipment	900,330.00	957,322.56	(56,992.56)	(66,417.69)	Computer upgrade installed in 1989
Info Sys-Communication	56111	26022	Terminals and Cables	10,450.00	24,226.00	(13,776.00)	(13,776.00)	Additional terminals installed at Region
Info Sys-Data Processing	56103	26025	Operating Supplies	400.00	7,834.82	(7,434.82)	(7,434.82)	20% increase in print line volume
Info Sys-Workstations	56099	26030	Software-City	15,140.00	74,536.73	(59,396.73)		Total Region & City overdraft only \$4,000
	56605	26030	Rent-Computer Equipment	511,150.00	565,490.06	(54,340.06)	(113,736.79)	Workstation leasing costs-revs from other depts

16-May-90 OVERDFT

City of Hamilton  
Treasury  
Overdrafts over \$5,000  
to be authorized by City Council  
for the year ended 1989

DEPARTMENT (1)	ACCOUNT NUMBER (2A)	CENTRE NUMBER (2B)	DESCRIPTION (3)	APPROPRIATION (4)	EXPENDITURES (5)	OVERDRAFT (6)	REQUEST FOR OVERDRAFT APPROVAL (7)	EXPLANATION (8)
Info Sys-Image Process	56103	26035	Operating Supplies	27,000.00	37,440.56	(10,440.56)	(10,440.56)	Microfilm volume up-additional supply costs
City Garage		27000	Total Division	0.00	44,318.15	(44,318.15)	(44,318.15)	Depreciation provision on replaced vehicles
Purchasing		28000	Total Division	349,700.00	372,010.25	(22,310.25)	(22,310.25)	Regional recoveries lower than anticipated
Property-Maintenance City	57314	31102	Lighting Repair	8,260.00	13,361.97	(5,101.97)	(5,101.97)	Mkt/Library charged to this acct inadvertently
	57103	31102	Boiler Equipment Repair	46,700.00	63,634.41	(16,934.41)	(22,036.38)	Other contractual services charged to this acct
Community Development		40000	Total Activity	558,950.00	573,798.30	(14,848.30)	(14,848.30)	Benefits over \$9K:Computer/software costs \$8K
City Solicitor		44000	Total Activity	1,494,190.00	1,515,561.65	(21,371.65)	(21,371.65)	Increased fees for outside legal counsel
Streets&Sanitation-Admin	56104	60001	Uniforms, Clothing & Acc.	142,070.00	162,795.02	(20,725.02)	(20,725.02)	Uniforms replaced as needed on 1-for-1 basis
S&S-District Yard Maintenance		60010	Total Activity	881,400.00	1,009,770.61	(128,370.61)	(128,370.61)	O.T. & shift premium due to early snow in Oct
S&S-Third Sector		60502	Total Activity	234,000.00	300,312.80	(66,312.80)	(66,312.80)	Substantial drop in mkt price of paper recycling
Parks		62000	Total Division	8,361,860.00	8,521,374.28	(159,494.28)	(159,494.28)	Unbudgeted expenses re: T1-cat agreement; Chedoke Winter Park-earlier opening/staffing; Unbudgeted expense for 5 new sports fields
Cemeteries-Administration	57301	63001	Building Repairs	7,210.00	16,356.26	(9,146.26)	(9,146.26)	Pipe broke-extension damage to chapel floor
Cemeteries-Sod, Seed & Repair	56398	63125	Contractual Various	18,300.00	24,842.10	(6,542.10)	(6,542.10)	Fertilizer purchased put in wrong account

16-May-90 OVERDFT

## City of Hamilton

## Treasury

Overdrafts over \$5,000  
to be authorized by City Council  
for the year ended 1989

DEPARTMENT (1)	ACCOUNT NUMBER (2A)	CENTRE NUMBER (2B)	DESCRIPTION (3)	APPROPRIATION (4)	EXPENDITURES (5)	OVERDRAFT (6)	REQUEST FOR OVERDRAFT APPROVAL (7)	EXPLANATION (8)
Cemeteries-Improvements	57200	63135	Grounds Repair	45,530.00	51,299.90	(5,769.90)	(5,769.90)	Purchase large quantity of soil at good price to repair sunken graves
Central Garage		64000	Total Division	0.00	370,365.79	(370,365.79)	(370,365.79)	Insufficient funds to cover early winter & heavy snowfalls + higher repair costs + increased overtime costs (two 12 hour shifts)
Recreation-Programmed Events	55333	70005	New Years Celebrations	14,500.00	21,219.22	(6,719.22)	(6,719.22)	Promotion changes billed to incorrect account
Recreation-Chedoke Golf Club	56201	70405	Gasoline	330.00	6,171.33	(5,841.33)	(5,841.33)	Insufficient funds to cover vehicle operation
Culture-Childrens Museum	55406	71305	Fees-Consultants'	7,000.00	23,749.75	(16,749.75)	(16,749.75)	Late arrival of Ministry grant
Traffic		75110	Admin-Outside Activities	201,820.00	294,369.43	(92,549.43)	(92,549.43)	Inventory write-offs totalled \$83,686.21
Traffic		75310	Roadway Pavement Markings	69,680.00	75,695.71	(6,015.71)	(6,015.71)	More work units achieved than planned
Traffic		75420	Sign Installation & Mnce	351,040.00	373,311.69	(21,471.69)	(21,471.69)	Higher than planned number of sign assemblies
							(2,561,593.74)	

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Appendix "C" as referred to in  
Section 33 of the EIGHTEENTH Report  
of the Finance and Administration  
Committee for 1990.

CITY OF HAMILTON  
1990 TABLED GENERAL GRANTS

NO. (1)	APPLICANT (2)	REQUESTED RECOMMENDED AMOUNT AMOUNT		PURPOSE OF REQUEST/COMMENTS (5)
		(3)	(4)	
1	DRUM CORPS INTERNATIONAL	5,000	5,000	OFFSET RENTAL COSTS OF NOR WYNNE AND PROMOTION OF EVENT
2	HAMILTON BOATING CLUB	7,500	2,500	OFFSET BANQUET COSTS OF CDN LIGHTNING ASSOC. OPEN CHAMPIONSHIP-JUNE 80
3	HAMILTON COMMUNITY CONCERT ASSOCIATI	10,000	3,320	OFFSET RENTAL COSTS OF HAMILTON PLACE FOR 3 CONCERTS
4	HAMILTON & DISTRICT BASEBALL ASSOC.	12,000	5,000	OPERATING COSTS AND DIAMOND UPGRADING(FENCING/BATTER CAGES)
5	HAMILTON & DIST. LABOUR COUNCIL	1,000	1,000	OFFSET COSTS OF LABOUR DAY PARADE
6	HAMILTON KIWANIS MUSIC FESTIVAL	2,500	2,500	OFFSET PRINTING COSTS AND ADJUDICATOR EXPENSES
7	HAMILTON LADIES 8LO-PITCH ASSOC.-TOURI	5,000	2,500	OFFSET COSTS-ARENA/PARKS; TABLES & CHAIRS; EQUIP.; ADV. FOR TOURNAMENT
8	HAMILTON MARATHON	4,500	2,000	FOR VOLUNTEER (CLOTHING & FOOD) & OTHER COSTS-REC'D STAFF SUPPORT C&P/CLERK
9	HAMILTON SAFETY COUNCIL	27,000	23,000	OFFSET OPERATING COSTS OF SAFETY PROGRAMS
10	NAVY LEAGUE	1,500	1,500	OFFSET SUMMER SAILING PROGRAM
11	ONTARIO BLIND GOLFERS ASSOC	2,000	1,700	OFFSET CITY COSTS FOR GOLF FOR BLIND GOLFERS
12	PLAYERS GUILD OF HAMILTON	10,000	5,000	OFFSET OPERATING COSTS
13	ST. ANTHONY'S FEAST INC.	10,000	2,000	OFFSET OPERATING COSTS
TOTAL		98,000	57,020	

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its EIGHTH Report for 1990 and respectfully recommends:

1. (a) That the following City lands be incorporated into the various streets:

	<u>Street Name</u>	<u>Description of Lands being Incorporated</u>
(i)	Leggett Crescent	Parts of Block "DX" Plan M-119, Designated as Parts 1, 4 and 5 Plan 62R-7152.
(ii)	Leggett Crescent	Parts of Lot 7, Concession 7, Township Barton, Designated as Parts 6, 7 and 8, Plan 62R-7152.

- (b) That the appropriate By-laws be enacted to give effect to this resolution.
- (c) That the Commissioner of Engineering be authorized and directed to register the By-laws.
2. That the City Traffic By-law No. 89-72 be amended to replace all references to the "Municipal disabled permit" with the "Provincial disabled permit".

NOTE: The Province of Ontario has enacted Bill 219 to replace Municipal disabled permits and disabled licence plates with universal disabled permits issued by the Minister of Transportation.

3. (a) That the existing residential boulevard parking agreement registered as Instrument No. 12206 C.D. to the property at No. 16 Rowanwood Street be discharged, at the property owner's expense; and  
(b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.
4. (a) That the existing residential boulevard parking agreement registered as Instrument No. 295613 C.D. to the property at No. 76 Leeming Street be discharged at the City's expense; and  
(b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.
5. That the City Traffic By-law No. 89-72 be amended to provide for the following:
  - (a) That a taxi stand to be in effect from 7:00 a.m. to 6:00 p.m. Monday to Saturday, be implemented on the west side of Queen Victoria Drive commencing at a point 129 feet north of Queensbury Drive and extending to a point 60 feet northerly therefrom.
  - (b) That an "Alternate Side Parking" regulation be implemented on East 14th Street between Brucedale Avenue and Fennell Avenue such that parking is prohibited on the west side of the street during the months of December, January, February and March and from the 1st to 15th of April, May, June, July, August, September, October and November; and on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November.
  - (c) That a "No Stopping" driveway clearance be implemented on the south side of Albright Road commencing at a point 460 feet west of Nicklaus Drive and extending to a point 110 feet westerly therefrom.
  - (d) That parking be prohibited on the north and west sides of Horning Drive commencing at a point 118 feet south of Lionsgate Avenue and extending to a point 180 feet southwesterly therefrom.
  - (e) That parking be prohibited on the south and west sides of Elora Drive commencing at a point 123 feet north of Elmira Drive and extending to a point 178 feet northwesterly therefrom.

- (f) (i) That a "Permit Parking" regulation be implemented on the north side of Dunsmure Road commencing at a point 71 feet east of Graham Avenue North and extending to a point 20 feet easterly therefrom; and
- (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Pasquale Pescatore, 68 Graham Avenue North.
- (g) (i) That southbound traffic on Prins Avenue be required to stop for eastbound and westbound traffic on Vittorito Avenue; and
- (ii) That a "No Stopping" regulation be implemented on the west side of Highridge Avenue commencing at Vittorito Avenue and extending to a point 113 feet southerly therefrom.
- (h) That the existing "No Parking" corner clearance on the west side of Ellingwood Avenue commencing at Oakland Drive and extending to a point 94 feet southerly therefrom be extended, such that the prohibition commences at Oakland Drive and extends to a point 206 feet southerly therefrom.

6. That leave be granted to introduce the following Bills:

- Bill B-64 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- Bill B-65 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- Bill B-66 A By-law to Incorporate Parts of Block DX, Plan 62M-119 into Leggett Crescent
- Bill B-67 A By-law to Incorporate Parts 6, 7 and 8, Plan 62R-7152 into Leggett Crescent

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
May 23, 1990

mjlw

**REPORT OF THE PARKS AND RECREATION COMMITTEE**

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **ELEVENTH** Report for 1990 and respectfully recommends:

1. (a) That, further to City Council's resolution of 1990 January 30, indicating its commitment to the International Children's Sport Games to be held in Uzhgorod, Ukraine, 1990 June 26 to July 4, financial support is respectfully requested to cover airfare, team uniforms, etc. in an amount not to exceed \$34 000.

NOTE: The aforementioned \$34 000 is based on the municipal funding estimate presented to City Council on 1990 January 30 in the amount of \$14 000 and \$20 000 that is expected from the Federal Government. However, to date, no firm commitment has been received and the Organizing Committee has reached a point where airfares must be secured. The Organizing Committee will continue to seek the commitment from the Federal Government which will lower the City's portion to the original estimate of \$14 000.

In addition, fundraising by the Organizing Committee will generate \$16 000 which will assist in meeting the total budget expenses of \$50 000 (\$14 000 + \$20 000 + \$16 000). The total budget of \$50 000 covers all expenses to and from Uzhgorod, including uniforms. All expenses incurred while in Uzhgorod will be courtesy of the Soviet Union.

- \* (b) That the City Treasurer be requested to indicate which account(s) the funds can be directed from.

**THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS THAT THE \$34 000. MAXIMUM REQUIREMENT OF THE CITY TO FUND THE CITY'S PARTICIPATION IN THE INTERNATIONAL CHILDREN'S SPORT GAMES TO BE HELD IN THE USSR, BE FINANCED BY MEANS OF AN OVERDRAFT IN THE ACCOUNTS OF THE CULTURE AND RECREATION DEPARTMENT AT THIS TIME PENDING A RE-EXAMINATION OF ACCOUNTS AND, IF NECESSARY, MORE SPECIFIC FINANCING RECOMMENDATION TO BE REPORTED BY THE TREASURER NEAR THE YEAR END.**

- \* *Second paragraph of Section 1(b) amended to read:*  
**THAT THE \$34 000. MAXIMUM REQUIREMENT OF THE CITY TO FUND THE CITY'S PARTICIPATION IN THE INTERNATIONAL CHILDREN'S SPORT GAMES TO BE HELD IN THE USSR, BE FINANCED BY MEANS OF AN OVERDRAFT IN THE ACCOUNTS OF THE CULTURE AND RECREATION DEPARTMENT AT THIS TIME PENDING A RE-EXAMINATION OF ACCOUNTS AND , IF NECESSARY, MORE SPECIFIC FINANCING RECOMMENDATION TO BE REPORTED BY THE TREASURER NEAR THE YEAR END.**

- (c) That the Chairman of the Parks and Recreation Committee, Alderman Hinkley and Alderman Lombardo form part of the official delegation attending the International Children's Sports Games, Uzhgorod, Ukraine, 1990 June 26 to July 04 at an estimated cost of \$3 600 to be charged to Legislative Travel Account No. CH55201 10010.

NOTE: For the Information of the Members of City Council in addition to the above City Council representatives, the delegation consists of 24 athletes, 4 coaches, 4 representatives of the Parks and Recreation Citizens' Advisory Sub-Committee, 1 representative of the Arts Advisory Sub-Committee, 2 Ukraine representatives and 1 former Liaison Canada/USSR November 89 and 1 City staff member. Travel costs for the delegation (excluding City Council representatives) are included in the total budget as noted in (a) above.

2. That a purchase order be issued to Johnston Motor Sales, Hamilton, in the amount of \$15 153.48 for the supply and delivery of one (1) 3/4 Ton Cargo Van for the Culture and Recreation Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Transportation Account No. CH58002 70001.

3. That a purchase order be issued to F.M. Page & Sons Inc., Hamilton, in the amount of \$39 589 for the supply and installation of chain link fence at Globe Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Upgrading of Stadium Facilities: Bernie Arbour Account No. CH56398 62910.

4. That a purchase order be issued to Marta Paving Company, Hamilton, in the amount of \$21 913.10 to install an asphalt pathway at Highview Park in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of thirteen (13) quotations received. Funds provided in Highview Park Redevelopment Account No. 703 5816.

5. That a purchase order be issued to Harvey Caron Fences, Hamilton in the amount of \$14 642.92 to supply and install a chain link fence at the Sisters' of St. Joseph Ambulatory Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Sisters' of St. Joseph Account No. 703 5846.

6. That purchase orders be issued for the supply and delivery of fertilizers for the Cemetery Division in accordance with specifications issued by the Manager of Purchasing and Vendor's tenders, as follows:

Nutrite Inc., Elmire

In the amount of \$28 833.25 for the supply and delivery of 24.25 tonnes 16-4-4

McCracken Golf Supplies, Brampton

In the amount of \$16 170 for the supply and delivery of 19.25 tonnes CIL Professional & Grub Preventive

NOTE: Lowest acceptable of six (6) tenders received. Funds provided in Sod, Seeding & Repair Operating Account No. CH56103 63135.

7. That a purchase order be issued to McCracken Golf Supplies, Brampton, in the amount of \$14 827 for the supply and delivery of fertilizers for the Golf Courses, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: As this fertilizer is to be applied as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest acceptable of six (6) tenders received. Funds provided in Fairway & Rough Maintenance Account No. CH56103 62138/62144.

8. That a purchase order be issued to Form and Build Supply, Kitchener, in the amount of \$50 574 plus provincial sales tax at 8%, for the supply and delivery of waterproofing materials to Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: As this work is to be completed before the end of June, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest of three (3) tenders received. Funds provided in Ivor Wynne Sound System Waterproofing Account No. CH56398 62910.

9. That a purchase order be issued to Belair Recreational Products, Brantford, in the amount of \$16 500 for the supply and installation of a Creative Metal climber at Chedoke/Westcliffe Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of three (3) tenders received. Funds provided in Chedoke/Westcliffe Park Account No. CF7084 520441.

10. That a purchase order be issued to Belair Recreation Products, Brantford, in the amount of \$26 176 for the supply and installation of a Creative Metal climber at McQuesten Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of two (2) tenders received. Funds provided in McQuesten Park Account No. CF7084 52044.

- \*11. (a) i. That the City of Hamilton give notice to Trans-Northern Pipelines Inc. under Section 9 of the agreement dated 1977 October 28 between Trans-Northern Pipelines Inc. and the City of Hamilton to relocate their 16" pipeline located on City of Hamilton lands north of Mud Street through King's Forest Park, within one (1) year from the date the notice is received at the sole cost and expense of Trans-Northern Pipelines Inc.
- ii. That the City Solicitor be directed to prepare the necessary notice.
- (b) That a new easement at the above new location for the pipeline north of Mud Street, through King's Forest Park, west of the proposed North-South Freeway as shown on the attached plan under the same terms and conditions as the existing agreement be granted to Trans-Northern Pipelines Inc. will prepare the necessary survey at their expense.

It is understood and agreed that the new easement shall include the following provisions:

- i. The restoration of grades and vegetative cover is to be completed as detailed in Trans-Northern Pipelines Inc. "King's Forest Park Pipeline Relocation Environmental Impact Statement" prepared by Ecoplans in February, 1990, and as subsequently amended in May 1990.
- ii. The approval for the new location is subject to the endorsement of the Environmental Impact Statement by the Planning and Development Committee and City Council.
- iii. Trans-Northern Pipelines Inc. will pay compensation to the City for removal of mature trees (10" caliper and greater) at a rate of four (4) 2 1/2 inch caliper b and b trees for each mature tree removed (cost for each replacement tree planted is \$250),
- iv. The total compensation for tree replacement will be established by Trans-Northern Pipelines Inc. in a work order to the City of Hamilton Parks Division to allow for a "phase-in" planting schedule in accordance with the Freeway development in the Red Hill Valley.

**NOTE:** The total number of mature trees to be removed has been confirmed in the field by a representative of Trans-Northern Pipelines Inc. and the City of Hamilton, Parks Division. The affected number of trees should not exceed thirty (30) trees at an estimated replacement cost to Trans-Northern Pipelines Inc. of \$30 000.

- (c) That the City of Hamilton grant to Trans-Northern Pipelines Inc. an Authority to Enter pursuant to the Authority to Enter agreement executed by Trans-Northern Pipelines Inc. on 1990 May 07. This is to authorize the pipeline company to enter City of Hamilton lands on the north side of Mud Street, through King's Forest Park for the purpose of installing a 16" (16 inch) pipeline in the approved location north of Mud Street, through King's Forest Park as of 1990 June 01.

12. That the City of Hamilton grant to Trans-Northern Pipelines Inc. an Authority to Enter pursuant to the Authority to Enter agreement executed by Trans-Northern Pipelines Inc. on 1990 May 07. This is to authorize the pipeline company to enter City of Hamilton lands (bus loop) on the west side of Mount Albion Road, north of Mud Street for ingress and egress to their construction site north of Mud Street through King's Forest Park for the period 1990 June 01 to 1990 October 01.
13. That the City of Hamilton grant to Trans-Northern Pipelines Inc. an Authority to Enter pursuant to the Authority to Enter agreement executed by Trans-Northern Pipelines Inc. on 1990 April 01. This is to authorize the pipeline company to enter City of Hamilton lands (bus loop) on the north side of Mud Street between Mount Albion Road and Pritchard Road, for ingress and egress to their construction site north of Mud Street through King's Forest Park for the period 1990 June 01 to 1990 October 01.
14. That the City of Hamilton grant the Regional Municipality of Hamilton-Wentworth an Authority to Enter pursuant to the Authority to Enter agreement executed by Regional officials on 1990 May 01. This is to authorize the Region to enter City lands in the Red Hill Valley from Mud Street to Brampton Street for the initial construction of the North-South Freeway contracts through Red Hill Valley from Mud Street to Brampton Street, effective 1990 June 01.
15. (a) That an Offer to Purchase executed by the Hamilton-Wentworth Roman Catholic Separate School Board on 1990 May 03 and scheduled for closing on or before 1990 July 23, for the purchase of part of the property known as 957 Upper Paradise Road, for the sum of \$2 be approved and completed.

NOTE: Subject parcel is composed of part of Lots 19 and 20, Concession 8, in the Geographic Township of Barton, now in the City of Hamilton, containing 3.936 hectares (9.73 acres), shown as Parts 3, 4, 9 and 10 on attached copy of Plan 62R-10593.

It is understood and agreed that,

- i. Part 10 is subject to an existing easement in favour of the Region for sewer purposes.
- ii. This Offer to Purchase is conditional upon the City of Hamilton accepting an Option to Purchase Parts 8 and 12 on Plan 62R-10593 (Part of 730 Rymal Road West and 953 Upper Paradise Road) from the Hamilton-Wentworth Roman Catholic Separate School Board, not later than 1990 June 05. The said Option to Purchase and this Offer to Purchase are to be finalized contemporaneously with each other.

- iii. The City of Hamilton will grant the Hamilton-Wentworth Roman Catholic Separate School Board a right-of-way over part of Part 6, shown shaded on the attached plan, until such time as this parcel is incorporated into the road allowance of Upper Paradise Road.
  - iv. The City of Hamilton grant to the Hamilton-Wentworth Roman Catholic Separate School Board an Authority to Enter pursuant to the Authority to Enter agreement executed on 1990 May 03. This is to authorize the Hamilton-Wentworth Roman Catholic Separate School Board to enter the City lands shown as Parts 3, 4, 9 and 10 on Plan 62R-10593 for the purpose of site grading and moving earth as of 1990 June 01.
- (b) That an Option to Purchase executed by the Hamilton-Wentworth Roman Catholic Separate School Board on 1990 May 03 and scheduled for closing on or before 1990 July 23, for the purchase by the City of part of the property known as 730 Rymal Road West and 953 Upper Paradise Road, for the sum of \$2 be approved and completed.

NOTE: Subject parcel is composed of part of Lots 19 and 20, Concession 8, in the Geographic Township of Barton, now in the City of Hamilton, containing 3.936 hectares (9.73 acres) shown as Parts 8 and 12 on attached copy of Plan 62R-10593.

It is understood and agreed that this Option to Purchase is conditional upon the City of Hamilton accepting an Offer to Purchase Parts 3, 4, 9 and 10 on Plan 62R-10593 (Part of 957 Upper Paradise Road) from the Hamilton-Wentworth Roman Catholic Separate School Board, not later than 1990 June 05. The said Offer to Purchase and this Option to Purchase are to be finalized contemporaneously with each other.

16. (a) That approval be given to obtain Design-Build (Turn-key) proposals from three selected firms to design and build an additional ice surface at the Mountain Arena Site.
- (b) That City Council call a special meeting on 1990 June 14 to approve the awarding of the contract.
- (c) That the City Treasurer be requested to recommend the method of financing the total funding of \$1 500 000.
- (d) That the Design-Build contract, not to exceed \$1 250 000 and the balance of \$250 000 for City expenses, zamboni, and contingencies, be approved.

THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS  
THE FOLLOWING:

- (A) THAT THE CONSTRUCTION OF AN AIR STRUCTURE, TWINNING THE MOUNTAIN ARENA THIS YEAR AT AN ESTIMATED COST OF \$1 500 000. BE FINANCED FROM THE RESERVE FOR CAPITAL PROJECTS ACCOUNT CENTRE NO. CH 00203.
- (B) THAT THE GROSS COST AND FINANCING OF THE WEST MOUNTAIN TWIN PAD ARENA (PROJECT NO. 053.0 OF THE 1990 - 1994 CAPITAL BUDGET PROGRAM) BE REDUCED FROM \$7 600 000. BY \$1 500 000. TO \$6 100 000. AND NET CITY COST FROM \$6 605 000. TO \$5 105 000.

\* That unless the normal process of tendering needs reconsideration, that the emergency purchasing procedure be followed to approve the awarding of the contract, to be reported at the next regular meeting of Council.

- 17. That approval be given of the action taken by the Director of Culture and Recreation in approving the request of the Greenhill Co-operative Corporation to hold a Fireworks Display on City property located at Quigley and Greenhill on 1990 May 21, raindate 1990 May 27, subject to the following terms and conditions:
  - i. That a Licensed Operator be responsible for carrying out the Fireworks Display.
  - ii. That Greenhill Co-operative Corporation has in place a \$2 million Insurance Policy for Public Liability for Property Damage and Bodily Injury, naming the City as co-insured.
- 18. That in order to ensure the continued operation of the Hamilton Safety Council's "Safety Village", approval be granted to pay the rental fee estimated at \$300 for the use of Central School for the 1990 Season. Funds be provided for from Account No. CH55324 70005 (Innovative Program).

NOTE: The Parks and Recreation Committee at its meeting held 1990 May 22 discussed the fact that Central School was no longer the best site for the Safety Village. The Committee discussed alternate sites but agreed that for 1990, Central School is the most suitable location. In order to assist with finding a permanent location, the Parks and Recreation Committee requested the Director of Culture and Recreation in conjunction with the Director of Property and the City Treasurer to investigate sites with a view to finding a permanent location for the Safety Village and advise the Committee accordingly.

\* *Paragraph added during City Council*

- \* 19. That the City Treasurer be required to find within his budget \$46 000 as a base transfer to the Culture and Recreation Budget to provide funding for Wesley Urban Ministries - Victoria Park Community Centre for recreational programs offered at the centre.

NOTE: On 1990 May 08, City Council adopted Section 18 of the FIFTEENTH Report of the Finance and Administration Committee and approved an appeal recommendation in an amount of \$5 000 to the Wesley Urban Ministries to be used to assist in offsetting operating costs to be incurred in providing social, educational and recreational opportunities for their Kirkendall Strathcona Neighbour house. The original grant request of Wesley Urban Ministries in the amount of \$92 760 included provision to operate Kirkendall Strathcona Neighbourhood House and Victoria Park Community Centre.

The Finance and Administration Committee referred to the Parks and Recreation Committee a request to consider funding the Victoria Park Community Centre within the Recreational Department Budget. In light of Council's policy regarding requests for additional funds not budgeted in 1990, the Parks and Recreation Committee reviewed the Finance and Administration's recommendation and were unable to find the required funds with the Committee budget. As a result, the Committee approved the above noted recommendation.

THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS THAT THE \$46 000. TO PROVIDE FUNDING FOR THE WESLEY URBAN MINISTRIES - VICTORIA PARK BE FINANCED BY A MEANS OF AN OVERDRAFT IN THE ACCOUNTS OF THE GRANTS BUDGET AND THAT IN 1991 A BASE TRANSFER OF \$46 000. WILL BE MADE TO THE CULTURE AND RECREATION DEPARTMENT BUDGET AT YEAR END.

20. That the Terms of Reference for an archaeological Site Survey of the Historic Grounds surrounding Dundurn Castle and the Cockpit Theatre, appended hereto as Schedule "A", be approved.
21. That free admission be honoured at the Children's Museum for July 24th - July 26th inclusive for the annual Birthday Party Celebrations.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 May 22

Proposal to refer Section 19 back, LOST

Recorded vote, see page 2594

Second line of the fourth paragraph of Section 19 amended to read:

THAT THE \$46 000. TO PROVIDE FUNDING FOR THE WESLEY URBAN MINISTRIES - VICTORIA PARK BE FINANCED BY A MEANS OF AN OVERDRAFT IN THE ACCOUNTS OF THE GRANTS BUDGET AND THAT IN 1991 A BASE TRANSFER OF \$46 000. WILL BE MADE TO THE CULTURE AND RECREATION DEPARTMENT BUDGET AT YEAR END.

Recorded vote on the fourth paragraph of Section 19 as amended - LOST, see page 2594

That the method of financing the \$46 000. grant to the Wesley Urban Ministries - Victoria Park Community Centre be referred back to the Finance and Administration Committee. Recorded vote, see page 2595

TERMS OF REFERARCHAEOLOGICAL SURVEYDUNDURN CASTLE - SUMMER OF 1990

Dundurn Castle is an historic site/museum that is operated by the Cultural Division of the Department of Culture and Recreation of the Corporation of the City of Hamilton. As well, the Hamilton Historical Board acts in an advisory capacity on matters of museum policy.

The Castle, and its dependent buildings, have been designated at the provincial and federal levels, and operates under a Heritage Easement from the Ontario Heritage Foundation.

In 1987 a study was done to determine the feasibility of re-establishing the historic landscape around the Castle to c.1855.

In 1989 a building conservation study was undertaken which identified, among other issues, serious foundation and drainage problems.

Implementation of the recommendations of the above mentioned reports have the potential to disturb the archaeological resources of the site. Conversely, archaeology has the potential to provide more information concerning these projects. Therefore an archaeological survey will be commissioned with the following objectives:

- 1) **PRIMARY OBJECTIVES:** To identify sensitive archaeological features within the "historic zone" indicated on the accompanying site plan, and to recommend mitigation strategies where the resource will be disturbed by projected work.
- 2) **SECONDARY OBJECTIVES:** To enhance documentary research on site as to original land use and location of outbuildings and other significant features (ie. cemetery, path and roadways, garden borders, plant materials, pre-MacNab features, etc.) Also, it is hoped that the survey report will serve as a planning document for future archaeological undertakings.

PROJECT BACKGROUND

The site of Dundurn Castle on Burlington Heights has been well used by man since prehistoric times due to its strategic location. Two recent digs by McMaster University (1970 and 1982-83) as well as a dig in the 1830s have indicated habitation of the site at least as far back as 3,000 years ago.

In 1778 the land was taken up by Richard Beasley, who constructed a house and wharf and warehousing for his trading business. In the early 19th century he built a second brick home on the site of the present Castle.

During the War of 1812 the property was commandeered by the British Army, and used as the general headquarters for the Niagara front. Beasley's buildings were adapted for military use, and much new construction of earthworks, barracks, and other military works was undertaken.

-2-

Beasley sold the property to his cousin, John Cartwright, who very promptly sold it to Allan Napier MacNab in 1826.

MacNab began building Dundurn in 1832. He commissioned Robert Wetherell to design a country villa which would incorporate Beasley's home and some of his outbuildings. As well, the estate came to include several gate and dower houses, stables, extensive ornamental and kitchen gardens, ornamental gates, a private cemetery and a cockpit.

After MacNab's death in 1862 the Castle and contents were sold. However, the house remained empty until 1864 when it was purchased by the Institute for the Deaf and Dumb for use as a school.

In 1871 it was bought by Senator McInnis and once again became a private residence. McInnis replaced MacNab's stables with a stone structure and made alterations to the courtyard wing. In 1899 he sold the estate to the City of Hamilton for use as a public park.

In 1900 the Castle was opened as a museum. In 1964 the restoration of MacNab's home was undertaken as a centennial project. In 1967 Dundurn was reopened, restored to a terminal date of 1855, when Sir Allan was at the height of his political and financial careers.

#### SCOPE OF WORK

Assessment work on the property will accomplish the following:

- inventory, identify and describe the archaeological resources extant within the defined survey area
- develop a reliable statement of significance of the resource and note degree of disturbance
- develop recommendations for mitigation of effects of projected landscape and restoration work
- develop an accurate map showing the distribution of the archaeological resource
- estimate the expected density of archaeological material wherever possible.

#### METHODOLOGY

- A minimum of three (3) scheduled meetings between the consultant and Curator shall take place. These meetings will be:
  - a) before commencement of field work
  - b) upon completion of draft report
  - c) for presentation of final report

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As well, it is assumed that regular consultation will take place throughout the project.

- Approximately 25 test locations have been suggested and plotted on the accompanying site plan/grid. These are included to indicate the proposed extent and intention of the survey. It is expected that some modification of locations may be suggested by the expertise of the consultant. These decisions will be made in consultation with the Curator.
- 50cm x 50cm units shall be shovel tested and screened to sterile soil unless a culturally sensitive layer is encountered, in which case excavation will continue with trowel and screen. Arbitrary or natural lot levels may be used as indicated by conditions.
- all features shall be mapped in planview (1:10) and photographed in black and white and coloured slides. All pertinent stratigraphic profiles shall be recorded and/or mapped and photographed.
- All artifacts will be washed and bagged with unit number and lot level, and assigned a progressive accession number. A catalogue and summary tables shall be provided.

FINAL REPORT SHALL INCLUDE:

- objectives
- methodology
- extent of excavations
- interpretation of all testing
- description of features
- soil types and colours( Munsell)
- maps and drawings of each unit
- scale drawings of significant features
- complete set of black and white prints and negatives, and slides
- artifact analysis and interpretation
- summary

PROPOSAL CONTENT

Submissions are to include:

QUALIFICATIONS AND EXPERIENCE:

- firm profile and experience in the field of work to be undertaken
- references
- current resumés of staff and sub-contractors
- a statement of the applicant's proposed method of undertaking this project as it pertains to crew make-up and timing

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- proposals for any publication of results beyond final report (ie. professional journals)
- statement of policy towards use of volunteers

The consultant must be licensed to carry out archaeological work in the Province of Ontario.

**FEE AND WORK SCHEDULE:**

A work schedule following the proposed payment schedule below:

- Start date of field work: (no earlier than July 18, 1990 and no later than August 1, 1990)
- Phase 1 payment: Upon completion of field work and submission of a "Work completed to date" statement and invoice
- Draft report submission: Provide date.
- Phase 2 payment: Upon submission of invoice and acceptance of Final Report. Provide proposed date.
- Cost of the assessment including a budget breakdown. Allocation of funds towards major equipment purchases will not be allowed within the terms of the contract. Consumable field and lab supplies will be allowed. Reimbursable items will necessitate submission of original receipts.
- A fee schedule (fixed fee or per diem with upset limit)

**SELECTION CRITERIA:**

Selection of the successful proposal shall be based on the following:

- 1) The qualifications and direct relevant experience of the consultant
- 2) Familiarity with the project
- 3) Understanding of the scope of project

The city of Hamilton reserves the right to investigate fully the qualifications (including financial status) of any tenderer. The tenderer must also submit references to be contacted at the City's discretion.

The lowest or any tender will not necessarily be accepted.

Submission of any tender shall be construed as acceptance of the City's terms for carrying out and completing the work of this contract.

**TIMING:**

Field work shall be completed in no less than three (3) weeks and no more than four (4) weeks from start date. Final report will be due three (3) months from completion of field work.

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its ELEVENTH Report for 1990 and respectfully recommends:

1. That demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtains a building permit:

(a) 150 Catharine Street South

(b) 152 Catharine Street South

NOTE: L.A.C.A.C. has also recommended that demolition control be applied to these two listed residential properties.

2. That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 52 Canada Street

(b) 166 Montrose Avenue

(c) 56 East Bend Avenue South

\*(d) 501 Rennie Avenue

3. That the City of Hamilton support Heritage Cornwall's commitment to heritage preservation in saving the Capitol Theatre by sending the following message to the Premier of Ontario:

The City of Cornwall has recently removed the heritage designation on the historic Capitol Theatre and will proceed shortly with the demolition of this important architectural landmark. This action was taken by the local city council in anticipation of a new provincial building being constructed on the same site. We urge you to intervene and help save this unique atmospheric movie palace, one of only three remaining structures of its type in Canada. We request that your government demonstrate its commitment to heritage preservation by including a restored Capitol Theatre as part of any new provincial building in the City of Cornwall.

\* Section 2(d) added during City Council

4. That the Director of Community Development be authorized to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed \$7,500. to:

(a) Geraldine Shapiro  
19 Cloverhill Road

(b) Ms. Mary Worron  
30 Benson

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74, and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

5. That a purchase order be issued to STF Construction Limited, Hamilton, in the amount of \$32,077. for the construction of a park maintenance building at Lucy Day Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of eleven (11) quotations received. Funds provided in Crown Point West/Stipeley Phase II Account #CF 42870200.

6. That the City of Hamilton accept the sum of \$133,000. as cash payment in lieu of the 5% dedication in connection with "Rymal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Garth Street and north of Rymal Road in the Falkirk East Neighbourhood, Hamilton.

7. (a) That approval be given to Subdivision Application 25T-89036, Effort Gardens Extension, Hampshire Properties Inc., owner, to establish a draft plan of subdivision, north of Stone Church Road and east of Upper James Street, subject to the following conditions:

- (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, drawing number S-7227A showing 12 lots.
- (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.
- (iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

- (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (vii) That the streets be dedicated to the City of Hamilton as public highways.
  - (viii) That the proposed streets align with the existing street to the north and/or the proposed streets to the south in a draft approved plan under Regional File No. 25T-88035, "Effort Gardens", respectively.
  - (ix) That the proposed development not be registered until the construction for Municipal services (water, roads, storm and sanitary sewers) for the development to the south, (Regional file No. 25T-88035, "Effort Gardens") has been approved.
  - (x) That the cul-de-sacs at the ends of Streets "A" and "B" have a transitional radius of 9.0 metres into each cul-de-sac.
  - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89036), Hampshire Properties Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

8. (a) That the City of Hamilton petition the Premier of Ontario to amend the Public Utilities Act to require that applicants for hydro hook-ups be required to obtain and submit a zoning verification to Hydro when making a request for more than one hook-up; and,
- (b) That the Association of Municipalities of Ontario be requested to endorse the City's petition to the Province.

NOTE: At its last meeting, the Planning and Development Committee met with the Board of Commissioners of Hamilton Hydro and Hydro's Senior Staff to discuss the problems being created by the illegal conversions of single family dwellings to multiple family dwellings. As a result of that meeting, it is anticipated that a Provincial amendment to the Public Utilities Act would reduce the number of illegal conversions now taking place.

9. That the City Solicitor be directed to prepare a By-law to repeal By-law No. 90-40 and replace it with a revised By-law of adoption for Official Plan Amendment No. 84 showing reference to 820 Rymal Road East.

NOTE: The purpose of By-law No. 90-40 was to adopt Official Plan Amendment No. 84 to the Official Plan. The effect of the By-law was to allow the development of a commercial plaza at 820 Rymal Road East. The reference to the municipal no. on By-law No. 90-40 was incorrect. Consequently, it is necessary to repeal By-law No. 90-40 and introduce a new By-law showing the correct municipal address.

- \*10. (a) That the Environmental Impact Statement prepared by Ecoplans (1990 February), and as amended in 1990 May, for the relocation of a Trans-Northern Pipeline Inc. pipeline through King's Forest Park be endorsed subject to the following:

- (i) A development permit be issued by the Niagara Escarpment Commission;
- (ii) The appropriate approvals are obtained from the Hamilton Regional Conservation Authority;
- (iii) City Council approves all the terms and conditions of the licensing agreement between Trans-Northern and the City with respect to this undertaking; and,
- (iv) The additional field surveys and information as requested by the Ministry of Natural Resources is completed to the satisfaction of that Ministry.

\* *Recorded vote, See page 2595*

- (b) That the City Clerk be directed to advise Regional Council of City Council's decision on this matter.

NOTE: Trans-Northern Pipeline Inc. has submitted an Environmental Impact Statement for the relocation of their pipeline on City-owned land through King's Forest Park. This statement is submitted in accordance with the Official Plan and circulated to various commenting agencies for their review and comment. Endorsement of this Environmental Impact Statement is required by both the City and Regional Council.

11. (a) That City Council apply to the Ministry of Municipal Affairs to receive the final payment for Stage 1 of the Central Business District Study.

- (b) That the City Clerk carry out this recommendation.

NOTE: Stage 1 of the Study is being completed in accordance with the May 31st target date agreed to with the Ministry of Municipal Affairs. A grant of about \$23,000. was awarded. The final 15% payment is now due.

12. That Section 12 of the Twenty-First Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 September 26th, in regard to Zoning Application 89-45 by 603815 Ontario Inc., (W. A. Hemstreet) owner of lands located at 1492 Upper James Street be amended as follows:

- (a) That subsection (a)(i) be clarified by changing "existing building" to "existing building(s)" in the sixth line; and,

- (b) That a new subsection (a)(ii) to the following effect be added:

(a)(ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special provision:

1. That notwithstanding Section 9.(1) of Zoning By-law No. 6593, one (1) pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of Zoning By-law No. 6593.

- (c) That subsections (a)(ii), (a)(iii), (a)(iv), (a)(v) and (a)(vi) of Section 12 of the Twenty-First Report be renumbered accordingly.

NOTE: The purpose of the amendment is to permit a pylon sign for the purpose of business identification in conjunction with a temporary new and used auto sales lot. Other commercial uses located along this area of Upper James Street which are zoned "HH" permit a pylon sign to be located 3.0 m minimum from the front property line. A 3.0 m minimum distance is therefore consistent with the commercial development.

13. That approval be given to Zoning Application 90-17, Issac Johnson, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit two (2) small lot single-family detached dwellings on lands at the rear of 1279 Upper Gage Avenue, as shown on the attached plan marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (d) That the Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double" Residential.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located at the rear of 1279 Upper Gage Avenue.

The effect of the By-law is to permit the creation of two (2) lots for small lot single-family detached dwellings fronting onto Queen Victoria Drive.

14. (a) That approval be given to Official Plan Amendment No. 91 to redesignate Block "4" from "Residential" to "Commercial" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

- (b) That approval be given to Zoning Application 89-104, Carriage Gate Homes Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), "RT-30" (Street-Townhouse) District (Block "3"), "HH" (Restricted Community Shopping and Commercial) District (Block "4"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Block "5"), for the lands municipally known as 1441 Upper James Street, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (iii) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District;
- (iv) That Block "4" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (v) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- (vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the lands described as Blocks "4" and "5" be modified to include the following variances as special requirements:
  - (1.) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided;
  - (2.) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within a landscaped strip not less than 9.0 m wide along the easterly rear lot line of Block "4";
  - (3.) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

- (vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1179, and that the subject lands on Zoning District Map E-9C be notated S-1179;
- (viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 91 by the Regional Municipality of Hamilton-Wentworth;
- (x) That the Ryckmans Neighbourhood Plan be amended as follows:
  - (1.) By amending the approved road pattern accordingly;
  - (2.) By redesignating:
    - Block "1" From: "Single and Double" Residential  
To: "Park and Recreational"
    - Block "3" From: "Low Density Apartments", "Park and Recreational" and "Single and Double" Residential  
To: "Attached Housing"
    - Block "4" From: "Low Density Apartments"  
(easterly portion) To: "Commercial and Retail Warehouse"

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 1441 Upper James Street, on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space Park and Recreation) District.
- (b) Block "2" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (c) Block "3" - Change from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.
- (d) Block "4" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

- (e) Block "5" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit development of the subject lands for the following uses:

- (a) Block "1" - Park
- (b) Block "2" - Single-family dwellings
- (c) Block "3" - Street townhouses
- (d) Blocks "4" and "5" - Retail Commercial

In addition, the By-law provides for the following variances as special requirements:

- (a) To require a minimum 24.0 m building setback from the front lot line;
- (b) To require a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;
- (c) To require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within a 9.0 m wide landscaped strip along the easterly rear lot line of Block "4".

15. (a) That approval be given to Subdivision Application 25T-89034, Carriage Gate Homes Ltd., owner, to establish a draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East, subject to the following conditions:

- (i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 March 1, revised by the addition of 0.3 m reserves, the widening of lots 20-23 inclusive and showing 45 lots and 8 blocks.
- (ii) That Street "B" be established to its full width and all streets be dedicated as public highways on the final plan.
- (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (iv) That the final plan conform with the Zoning by-law approved under The Planning Act.

- (v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.
  - (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
  - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
  - (ix) That Blocks "47" to "53" inclusive be developed only in conjunction with abutting lands.
  - (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89034) Carriage Gate Homes Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
16. That approval be given to amended Zoning Application 89-96, Arbra Developments, Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", a change in zoning from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3" and a change in zoning from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", to permit industrial development in conjunction with the adjoining lands, for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District;
- (b) That Blocks "2" and "3" be rezoned from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District;
- (c) That Block "4" be rezoned from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69E and E-79E; and,
- (e) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That Block "1" be redesignated to "Restricted Industrial" on the approved Mountain Industrial Area Plan.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3", and from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road.

The effect of the By-law is to permit the development of the subject lands, in conjunction with the adjoining lands, as an Industrial Park.

17. (a) That approval be given to Subdivision Application 25T-89031, Arbra Developments Inc., owner, to establish a draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road, subject to the following conditions:
- (i) That approval apply to the plan prepared by May, Pirie and Associates Limited, dated 1989 April, revised to provide road widenings and daylight triangles for Rymal road, Glover Road and the proposed access street.
  - (ii) That the owner acquire from Ontario Hydro sufficient land to provide for the two road crossings of the "Ontario Hydro Corridor".
  - (iii) That the streets, street widenings and daylight triangles be dedicated as public highways on the final plan.
  - (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

- (v) That the final plan conform with the Zoning By-law approved under The Planning Act.
  - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (vii) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority.
  - (viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance or development of abutting lands.
  - (ix) That Block "22" not be developed until such time as sufficient existing residences have ceased to exist to allow industrial development on the block in compliance with City policy.
  - (x) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89031), Arbra Development, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

\*18. That approval be given to Zoning Application 90-20, William Kosar, (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a 3 storey, 18 unit stacked townhouse development, on property located at 912 Rymal Road East, as shown on the attached map marked as Appendix "D" on the following basis:

- (a) That the lands be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

\* Recorded vote, see page 2596

- (i) That notwithstanding Section 11B(1) of By-law No. 6593 only a multiple dwelling containing a maximum of 18 dwelling units shall be permitted;
  - (ii) That notwithstanding Section 11B(2) of By-law No. 6593 the maximum height of any building or structure shall not exceed 3 storeys or 12 m;
  - (iii) That notwithstanding Section 18A(14) of By-law No. 6593 required parking spaces shall be permitted in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;
  - (iv) That a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, shall be provided and maintained along the front lot line adjoining Rymal Road East;
  - (v) That a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height shall be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1180, and that the subject lands on Zoning District Map E-49E be notated S-1180;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That the Broughton East Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Low Density Apartments".

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at 912 Rymal Road East. The effect of the By-law is to permit redevelopment of the subject lands with a 3 storey, 18 unit multiple dwelling (stacked townhouse). Twenty three (23) surface parking spaces and 1 loading space will be provided.

In addition, the By-law provides for the following variances and special requirements:

- (a) To permit required parking spaces in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;
  - (b) To require a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, to be provided and maintained along the front lot line adjoining Rymal Road East;
  - (c) To require a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height to be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.
  
- 19. That amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to eighteen units (condominiums or apartments), for property located at 73 Garfield Avenue South as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:
  - (a) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,
  - (b) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.
  
- 20. That approval be given to Zoning Application 90-27, S. & J. Food Distributors, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit a restaurant [37.16 m<sup>2</sup> (400 sq. ft.)] having a seating capacity of approximately 30 persons in conjunction with the existing food distribution warehouse, for the property located at 105 Nebo Road, as shown on the attached map marked as Appendix "F" on the following basis:
  - (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 17F(1)(b), the following accessory uses shall be permitted in conjunction with the existing use:

<u>Accessory Use</u>	<u>S.I.C. Identification Number</u>
1) Restaurant, Licensed; or	9211
Restaurant, Unlicensed	9212
2) Take Out Food Services	9213

(ii) That notwithstanding Clause a), the restaurant shall not exceed 37.16 m<sup>2</sup> in area and a seating capacity of 30 persons.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1181, and that the subject lands on Zoning District Map E-59D be notated S-1181;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at 105 Nebo Road.

The effect of the by-law is to permit the following accessory uses in conjunction with the existing food distribution warehouse:

<u>Accessory Use</u>	<u>S.I.C. Identification Number</u>
(a) Restaurant, Licensed; or	9211
Restaurant, Unlicensed	9212
(b) Take Out Food Services	9213

In addition, the by-law restricts the restaurant to a maximum floor area of 37.16 m<sup>2</sup> and a seating capacity of 30 persons.

21. That the application for conversion, renovation and repair of units at 14 Duke Street, under the Rental Housing Protection Act, (RR-90-001), be approved provided:

(a) That the applicant, Robert Patterson, enters into and registers on title to 14 Duke Street an Agreement incorporating the conditions set out below, satisfactory to the Director of Local Planning and to the City Solicitor, prior to the commencement of any physical alterations;

- (b) That such Agreement shall include the applicant's covenant to provide a similar number of new rental units (10 units) which are similar in rent and location to the existing units; and,
- (c) That rental accommodation for existing tenants must be provided in the same area and of similar quality and rent as the existing units.

NOTE: The application involves the provision of additional floor space for doctors offices, in a building with mixed residential/commercial use. All rental residential units in the building are to be renovated extensively, two residential units are to be converted to professional offices, and one new residential unit is to be provided, for an overall reduction of one residential unit.

22. That leave be granted to introduce the following Bills:

- (a) Bill D-59 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 991 Upper Paradise Road.
- (b) Bill D-60 A By-law to adopt Official Plan Amendment No. 90 respecting land located at Municipal No. 26 Arrowsmith Road, within the Nashdale Neighbourhood.
- (c) Bill D-61 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 648 Upper Paradise Road.
- (d) Bill D-62 A By-law to amend Zoning By-law No. 6593 respecting lands located at the northwest corner of James Street North and Vine Street.
- (e) Bill D-63 A By-law to establish Site Plan Control respecting lands located at the northwest corner of James Street North and Vine Street.
- (f) Bill D-64 A By-law to amend Zoning By-law No. 6593 respecting land located on the south side of Mud Street and west of the City Limits.
- (g) Bill D-65 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal No. 286 Sanford Avenue North.
- (h) Bill D-66 A By-law to amend Zoning By-law No. 6593 and to repeal Zoning By-law No. 86-59 respecting lands located at Municipal Nos. 1519 (Part Of), 1543 and 1549 Rymal Road East.

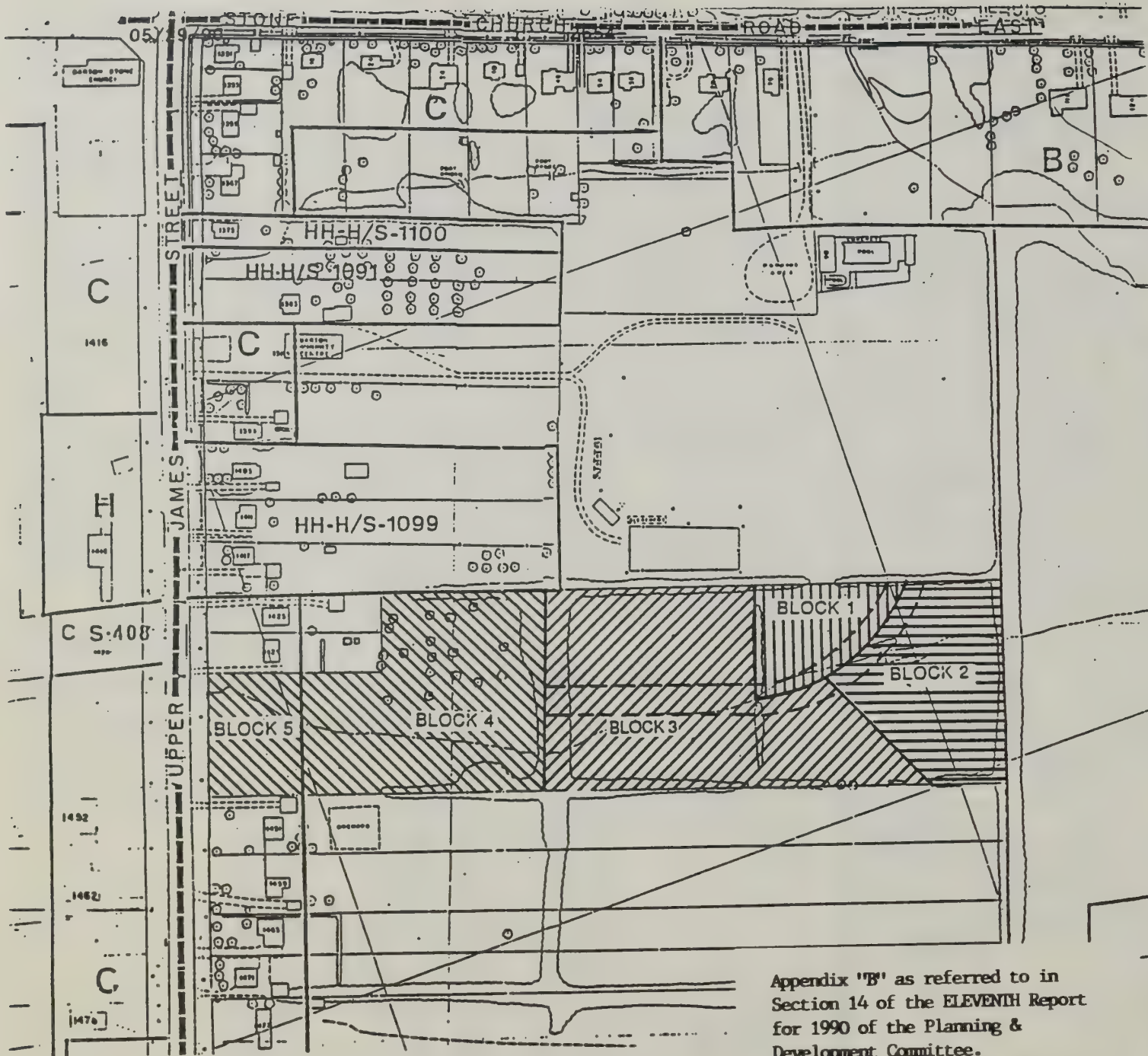
- (i) Bill D-67 A By-law to repeal By-law No. 90-40 and to adopt Official Plan Amendment No. 84, respecting land located at Municipal No. 820 Rymal Road East, within the Broughton West Neighbourhood.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 May 23

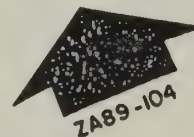




Appendix "B" as referred to in  
Section 14 of the ELEVENTH Report  
for 1990 of the Planning &  
Development Committee.

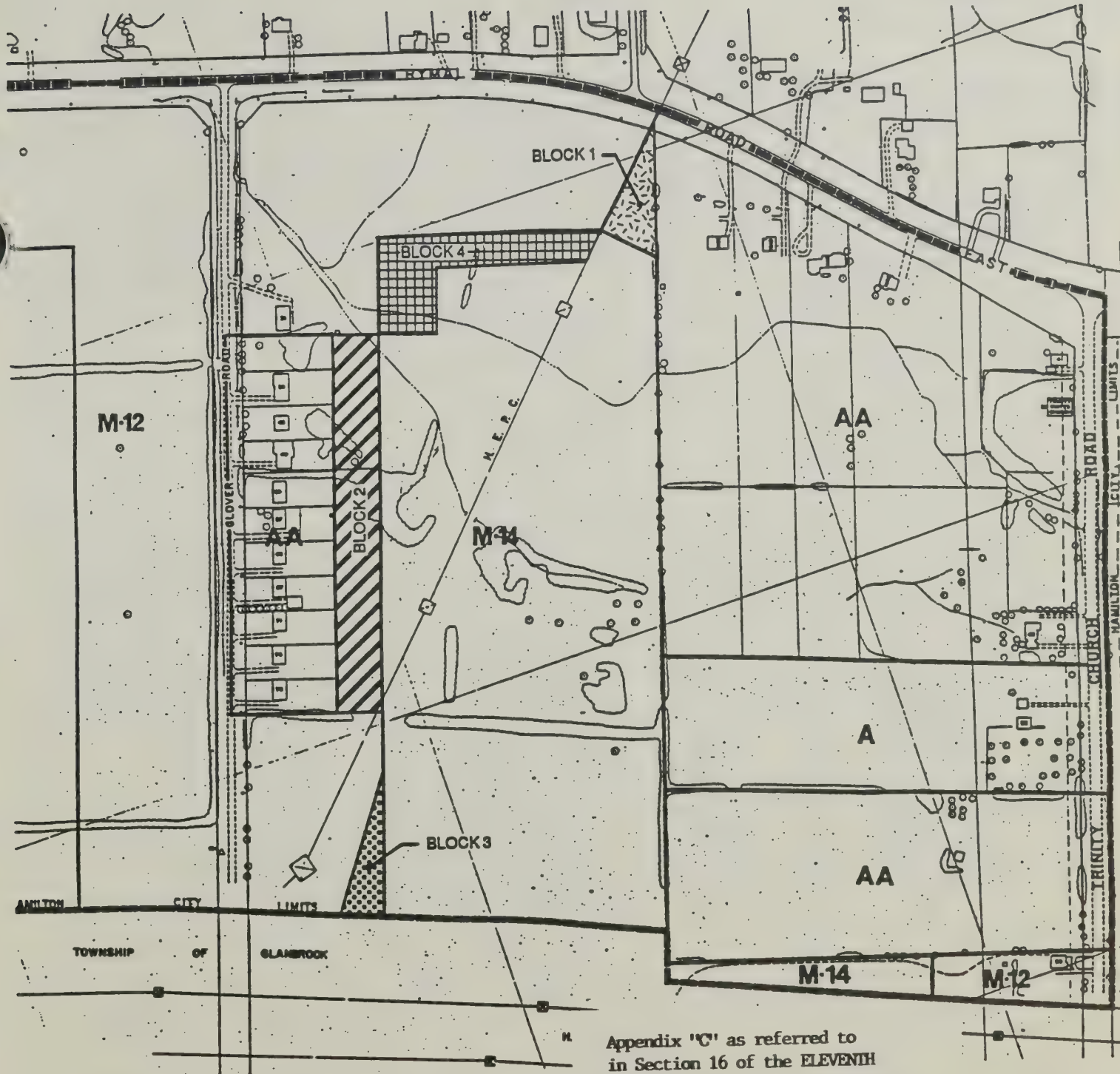
### Legend

Proposed change in zoning from:



- |         |  |   |
|---------|--|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District.                     |
| BLOCK 2 |  | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District                                  |
| BLOCK 3 |  | "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.  |
| BLOCK 4 |  | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.                     |
| BLOCK 5 |  | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District. |

APPENDIX A



### Legend

Change in zoning from:



"AA" (Agricultural) District to "M-14" (Prestige Industrial) District



"M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District

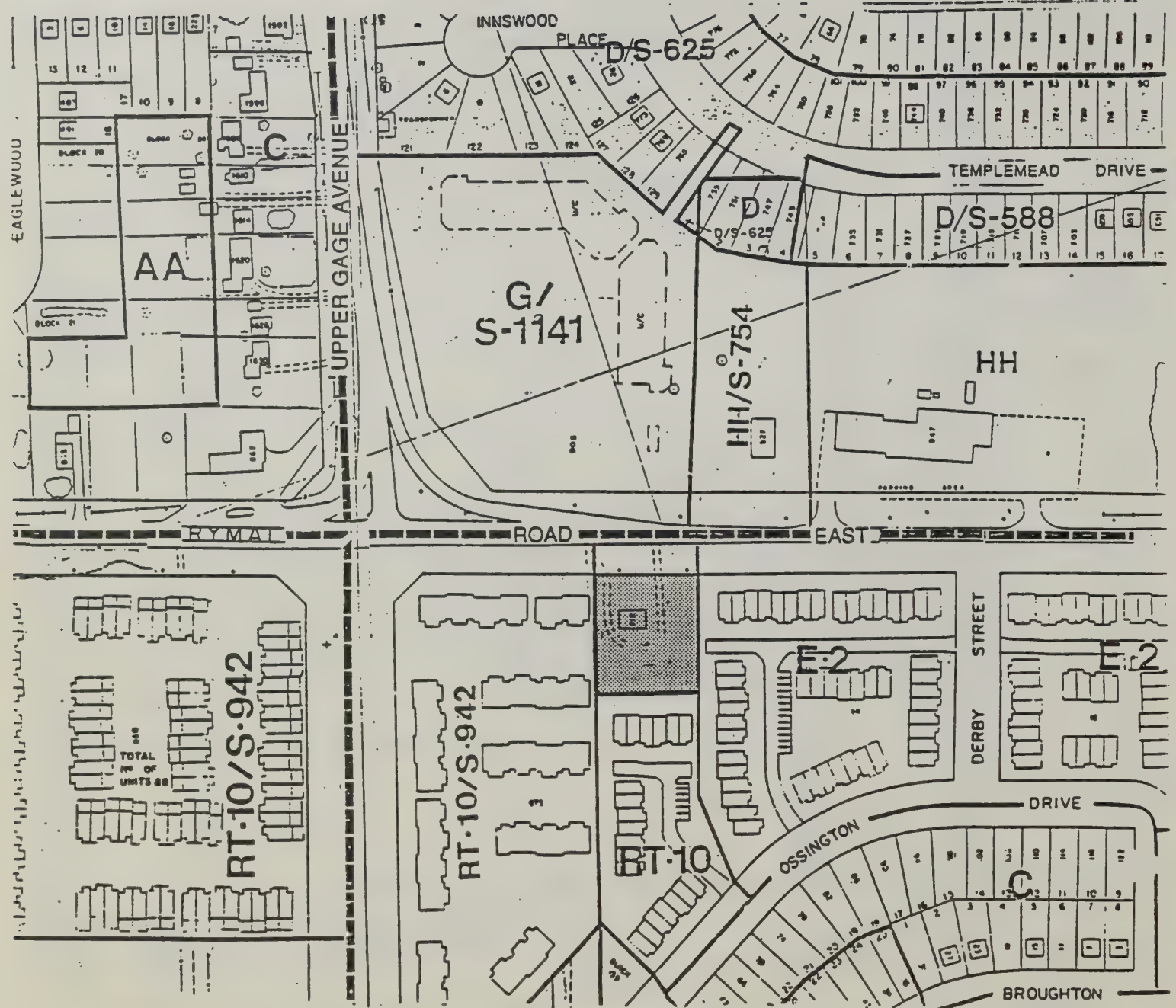


"M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District



"M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District





Appendix 'D' as referred to in  
Section 18 of the ELEVENTH  
Report for 1990 of the Planning  
& Development Committee.

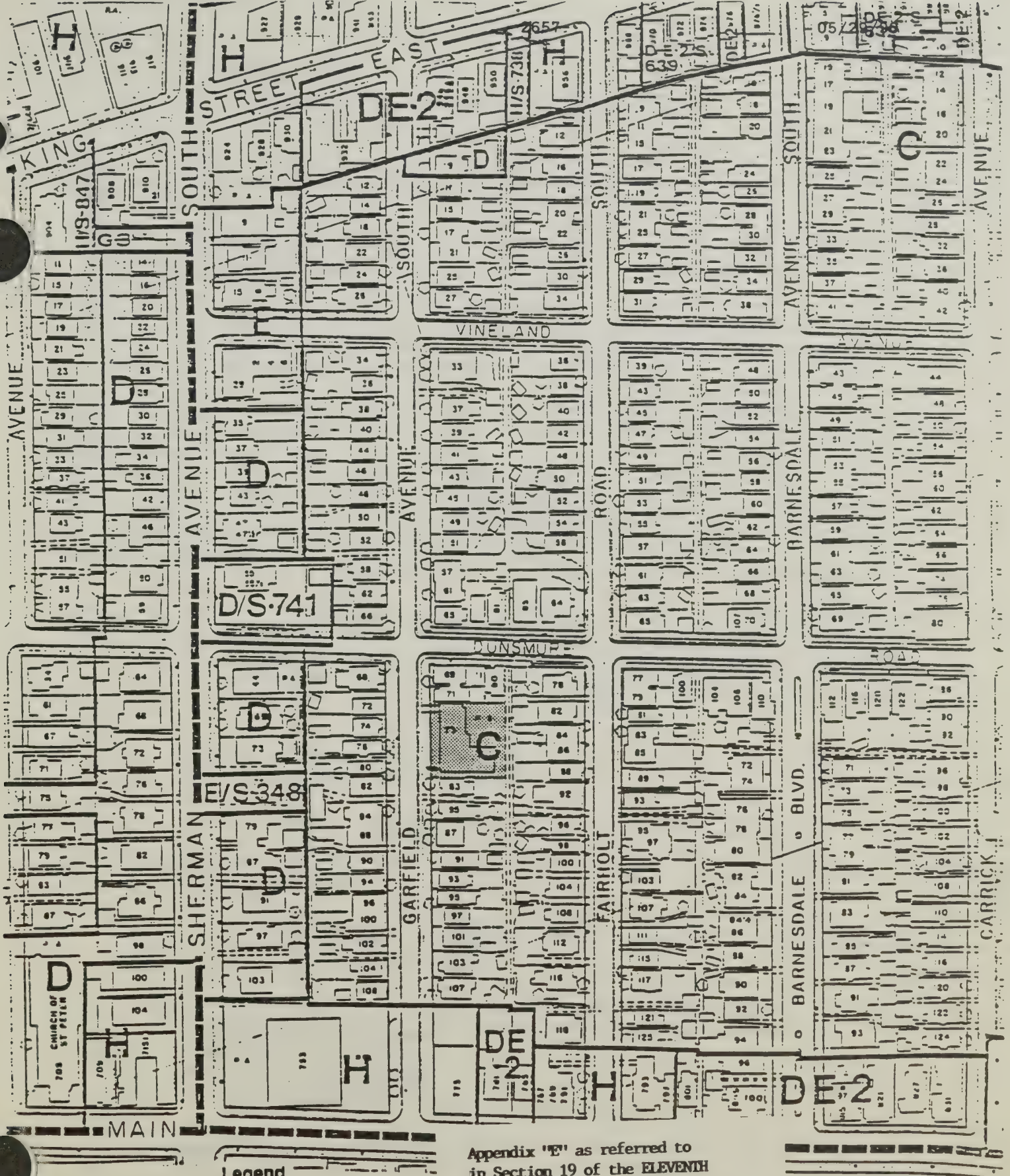
Legend



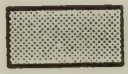
Site of the Application



APPENDIX A



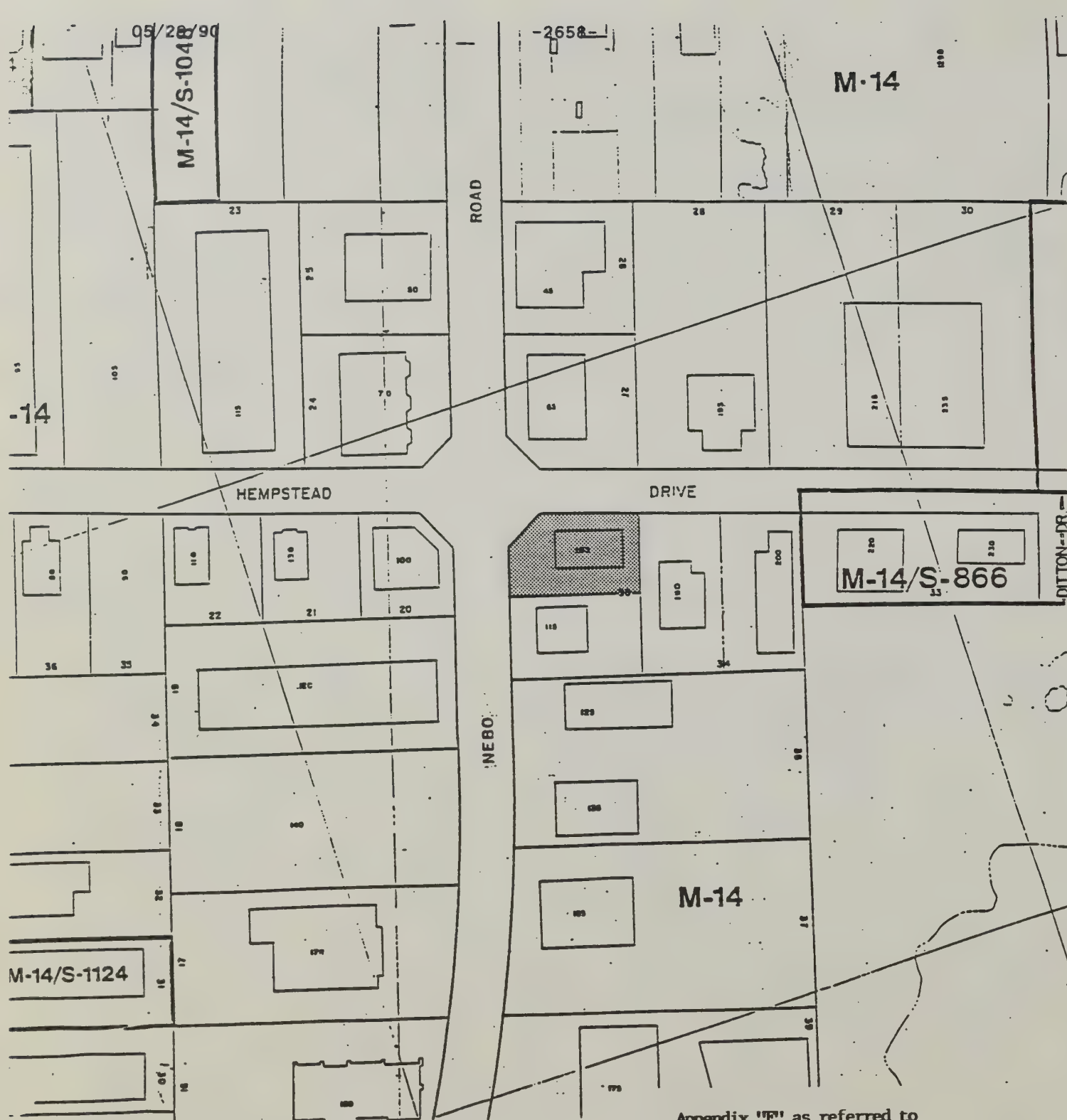
Legend



Site of the Application

Appendix "E" as referred to  
in Section 19 of the ELEVENTH  
Report for 1990 of the  
Planning & Development Committee.





**Legend**



Site of the Application

Appendix "F" as referred to  
in Section 20 of the ELEVENTH  
Report for 1990 of the Planning  
& Development Committee.



# REPORT OF THE INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Information Systems Committee presents its **THIRD** Report for 1990 and respectfully recommends:

1.
  - (a) That the City of Hamilton Treasury Department and Information Systems proceed on a joint Project to develop and implement a replacement Property/Taxation System.
  - (b) That the design review of the replacement property and taxation system include (but not be limited to) the following new features:
    - (i) optional monthly, quarterly or annual tax payments
    - (ii) optional direct payment from bank accounts
    - (iii) improved access to statistical information
    - (iv) improvements to the information that might be made available to taxpayers
    - (v) additional automation opportunities to reduce processing costs
  - (c) That funds be provided by transferring from the Reserve for Project Management Account No. CH00134 to a current Work-in-Progress Account to a maximum annual amount of \$350 000 per year.
2.
  - (a) That Microcomputer workstations and printers be acquired in accordance with the following:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
IBM Compatible AT workstation	Exceltronix	\$2 061.	Lowest of 27 proposals
NEC 890 printer	Equatorial Canada	\$4 252.	Lowest acceptable of 22 proposals

- (b) That decisions to lease or purchase be made in each case, in consultation with the respective Corporation's Commissioner of Finance/Treasurer.
  - (c) That funds be provided from Workstations Account No. CH56605 26032 and in individual Department 1990 Budget Accounts.

**NOTE:** Exceltronix Computing Inc. of Etobicoke, Ontario  
Equatorial Canada Ltd. of Rexdale, Ontario

3. (a) That workstation software for standard corporate software be acquired in accordance with the following unit prices:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
WordPerfect 5.1	Telecom Computer	\$ 290.52 each	Lowest acceptable of 7 proposals
WordPerfect 5.1 Upgrade Kit	Corporate Software	\$ 106.92 each	Lowest acceptable of 7 proposals

- (b) That funds be provided in Accounts Nos. CH56098 26032 and CH56099 26032 (Workstation Software) and in various Regional and City 1990 Department Accounts.

NOTE: Telecom Computer of Burlington, Ontario  
Corporate Software of Mississauga, Ontario

4. (a) That Scott Leasing of Mississauga provide leasing services for replacement microfilming equipment in accordance with their leasing proposal dated 1990 February 28 (lowest acceptable of 4 proposals received).

Scott Leasing \$22.74/\$1 000./month for 60 months

- (b) That funds be provided from Account No. CH56602 26035 (Microfilming Equipment Leasing).
- (c) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (the City of Hamilton is the lessee).

- \*5. (a) That, on request, City Aldermen be provided with remote (dial-up) access to the Electronic Mail System (PROFS).
- (b) That, optional wordprocessing capability be included.
- (c) That the costs for this service for Members of City Council be charged to Account No. CH56605 26032 (Workstations). That any additional funds, if required, be included as part of the 1991 Budget Submission Process.

\* Section 5 referred back

- (d) That remote access to the Electronic Mail System by staff be subject to the approval of the Chief Administrative Officer.
- (e) That the costs for this service, for approved staff, be financed from the 1990 Departmental Budgets with no increases in Departmental allocations for 1990.

Respectfully Submitted

ALDERMAN J. GALLAGHER, CHAIRMAN  
INFORMATION SYSTEMS COMMITTEE

Mrs. L. Dale, Acting Secretary  
1990 May 24

mjlw

**REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE**

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **THIRD** Report for 1990 and respectfully recommends:

1. That the Taxi Cab Owner's Licence Application of Martin Bradbury, 1199 Royal Drive, Burlington be denied.

NOTE: For the information of Members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 May 09 recommended that the foregoing Licence Application be denied on the grounds that Mr. Bradbury did not qualify with the requirement of By-law No. 89-249 as amended in that he was not engaged in the Taxi Industry for the two years immediately prior to his application. (Further information may be obtained from the Secretary.)

**RESPECTFULLY SUBMITTED**

**ALDERMAN D. CHRISTOPHERSON  
CHAIRMAN  
LICENSING COMMITTEE**

**Stella Glover  
Secretary**

**1990 May 09**



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